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THE

LAWS OF WISCONSIN,

PASSED AT THE

Biennial Session of the Legislature of 1885,

RELATING TO

CITY CHARTERS AND THEIR AMENDMENTS.

VOLUME II.

PUBLISHED BY AUTHORITY.

MADISON, WISCONSIN:
DEMOCRAT PRINTING COMPANY, STATE PRINTERS.
1885.

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thereon, without any deduction for benefits of any kind or nature. If any such tract or parcel of land, taken in whole or in part, be subject to lease, mortgage or other lien, or if there be any estate therein less than a fee, the injury done to the owner or owners thereof respectively shall be awarded to them by the jury. If there be any building or buildings, standing wholly or in part on the land taken, the jury shall estimate or determine, first, the whole value of the same to the owner aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to the owner to remove, both of which valuations shall be stated. The fact that any such building belongs to a person or persons other than the owner or owners of the land, if known, and the name of the owner or owners of such buildings, if known, shall be stated, and the award of damages on account of such building shall be made to the owner or owners thereof, when the land and building belong to different parties. Such verdict or appraisement of damages shall be valid and sufficient if signed by a majority of the members of said jury. Any technical error in such verdict may be immediately corrected, with the consent of the jury. And they shall be thereupon discharged, and their verdict be filed by the magistrate. In case the jury shall disagree as to the necessity of taking the whole or any part of the lands mentioned in the application, the magistrate shall make a list of twenty-four jurors, from whom to empanel a jury to pass upon the questions left undecided, and shall proceed therewith in all respects as for the empaneling of the first jury, as hereinbefore directed. If at least seven members of the jury cannot agree upon a verdict or assessment of damages, the magistrate shall in like manner proceed to empanel a new jury, for the purpose of passing upon the question of damages, but it shall not be necessary to serve or publish any new additional notices of the empaneling of a new jury for either of said purposes. From the time of the publication and service of the notice mentioned in section three (3), of this chapter, all persons served with such notice, in the manner therein prescribed, shall be held to

vacancies had occurred, so that the said section when so amended shall read as follows: Section 6. Under the direction of such magistrate and accompanied by him, the jury shall view the lands to be taken, and shall then sit before him at his office or any other more convenient place to which he shall orally adjourn the proceedings, to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. If at any stage of the proceedings after the rendition of the separate unanimous verdict provided for in said section six (6), and prior to the rendition of the verdict assessing damages as provided for in the said section, any vacancy or vacancies shall occur in said jury whether by the death of any member or for any other cause, the magistrate who issued the precept, shall by indorsement thereon appoint a new juror or new jurors to fill such vacancy or vacancies taking such new juror or new jurors from the list of persons possessing the qualifications of jurors in such cases theretofore made pursuant to the provisions of section four (4), of the said chapter five (5). And when such vacancy or vacancies shall have been so filled, the magistrate shall administer to such new member or members of such jury the oath provided in section five (5), or so much of such oath as shall then be applicable; and thereupon such jury shall proceed and discharge the duties required of them the same as if no vacancy or vacancies had occurred. The jury shall render a separate unanimous verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof for such purpose, describing in such unanimous verdict the whole body or bodies of land which they find necessary to be taken. If any be found necessary to be taken, the jury shall make a separate verdict or assessment of damages, in which they shall set down the description, as near as may be of each tract or parcel of land, the whole or any part of which is condemned, and the whole amount of damages done to the owner or owners thereof by the taking of the whole or any part thereof, apart from any damages to building

1, 2, 3, 4, 5, 6, 7 and 8 of G. L. Parks' addition to Merrill, and blocks 1, 2, 7, 8, 9 and 10 of G. L. Parks', Thos. P. Matthews, John Phelps and Thos. B. Scott's addition to Merrill; all of lot number 4 of section 12, township number 31 north, of range number 6 east, south of said last mentioned addition; blocks 2, 3, 4, 5 and 9, of Scott's and Parks' addition to Merrill; blocks 1, 10, 13, 14, 15 and 16 of the original plat of Jenny; all of the northwest quarter of section number 18, township number 31 north, of range number 7 east, south of the north bank of the Wisconsin river; the north half of section 13, township number 31 north, of range number 6 east, and lot number 1 of section 12, township number 31 north, of range number 6 east, shall constitute and be known as the second ward; the northeast quarter of section 14, the south half of the southeast quarter of section 11, lot 2, section 12, all in township number 31 north, of range number 6 east, and blocks 13, 14, 15 and 16 of V. R. Willard's addition to Merrill; blocks 4, 5 and 11 of H. Streeter's addition; blocks 2, 3, 4, 7, 8, 9, 11 and 12, of the original plat of Jenny, and all of lot 3, section 12, township number 31 north, of range number 6 east, lying south of said last mentioned addition shall constitute and be known as the third ward. All the remaining territory in said city lying north of the Wisconsin river and east of Prairie river, not hereinbefore described, shall constitute and be known as the seventh ward. The boundaries of the fourth ward shall be as follows: Beginning in the center of the Wisconsin river where the west line of section 10, in township number 31 north, of range number 6 east, crosses the same; thence north to the north line of the city; thence east to the east bank of the Prairie river; thence southerly along the east bank of said river to the north line of lot 3, of section 11, township number 31 north, of range number 6 east; thence west on said line to the center of the Wisconsin river; thence up stream, following the center of said river to the place of beginning. All that part of the city of Merrill not heretofore described lying north and east of the main channel of the Wisconsin river, including the island known as "Howe Island," shall constitute and be known as the fifth ward.

have notice of all subsequent proceedings befor such magistrate, in the matters mentioned in sai notice, to the rendition of a verdict assessin damages, and to be bound thereby. When th jury have agreed upon their verdict or verdict the magistrate may orally adjourn the proceed ings to such time as may be necessary to reduc the same to form, and to a time when they sha appear before him and sign the same.

SECTION 2. This amendment shall be held t apply to all proceedings which have been heret fore or shall be hereafter instituted under th provisions of the said chapter five (5), and to an such proceedings, which are now so pending.

SECTION 3. This act shall take effect and be i force from and after its passage and publication.

Approved January 27, 1885.

[No. 54, A.] [Published January 30, 188

CHAPTER 2.

AN ACT to amend section 2, of chapter 5, the general laws of 1883, entitled, "An act incorporate the city of Merrill."

The people of the state of Wisconsin, represent in senate and assembly, do enact as follows:

Ward boundaries amended.

SECTION 1. Section 2, of chapter 5, of the ge eral laws of 1883, is hereby amended so as to re as follows: Section 2. The city of Merrill sha be divided into seven wards as follows: All th part of the northwest quarter of section 18, lyi north of the Wisconsin River, and the west h of section 7, all in township number 31 north, range number 7 east, and the east half of the ea half of section 12 in township number 31 nort of range number 6 east and blocks 3, 4, 5, 6, and 12, of G. L. Parks', Thos. P. Matthews, Jo Phelps and Thos. B. Scott's addition to Merri and blocks 9, 10, 11, 12, 13, 14, 15 and 16 of G. Parks' addition to Merrill shall constitute and known as the first ward. The west half of t northeast quarter of section 12, in township nu ber 31 north, of range number 6 east, and bloc

[No. 107, A.] [Published February 18, 1885.]

CHAPTER 6.

AN ACT to amend chapter 231, of the laws of Wisconsin, for the year 1876, entitled, "An act to amend and re-enact, as amended, chapter 333, of the laws of 1875, entitled, an act to amend chapter 16, of the private and local laws of 1872, entitled, an act to incorporate the city of Eau Claire, so as to authorize the construction of water-works, by and for said city, and of the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to construct water-works.

SECTION 1. Section 1, of chapter 231, of the laws of 1876, is hereby amended, so as to read as follows: Section 1. The city of Eau Claire is hereby authorized and empowered to construct water-works, for the purpose of supplying said city, and the inhabitants thereof, with water, and for that purpose is authorized to construct and maintain a dam, not to exceed eighteen feet in height, above low water mark, across the Chippewa river, at such place, within the limits of said city, as the common council thereof may determine; and may open and construct drains, sewers, aqueducts, mains, and may construct or purchase water-wheels, pumps, and machinery for elevating and forcing water through mains and pipes, and all other works and appendages necessary or proper to the successful construction and operation of water-works, to supply said city and the inhabitants thereof, with water, and to establish water rates, and provide for the collection thereof. And the common council of said city, in addition to the powers herein specifically granted to them, shall have the power to pass and adopt all such ordinances, resolutions and orders as may be necessary or proper to construct, maintain, operate and regulate such water-works. And it shall be the duty of said city to complete said water-works prior to the first day of June, A. D. 1888, so that the same shall be capable for operation. And for the purpose of operating the same, to apply such portion of the water power created

All the balance of the territory in said city, not hereinbefore described, shall constitute and be known as the sixth ward. The common council shall at their first regular meeting after the passage of this act, designate a place where an election shall be held, and appoint three inspectors for holding said election on the second Tuesday of March next, for the seventh ward, as herein constituted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 29, 1885.

[No. 5, A.] [Published February 9, 1885.]

CHAPTER 5.

AN ACT relating to the charter of the city of Neenah, and amendatory of chapter 184, of the laws of Wisconsin, of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City improvements, cost of which to be assessed against lots.

SECTION 1. Title 6, of chapter 184, of the laws of 1883, is hereby amended by inserting after section 96, of said title 6, a new section, to be denominated as "Section 96a," which shall read as follows: Section 96a. Sewers, drains or ditches may be made or dug, or repaired by the common council, at the cost, charge or expense, in whole or in part, as the council may determine, of the lots which may be deemed benefited thereby, and the common council shall apportion such costs charges and expense among and on such lots, in such proportion, or amount, as said common council shall deem such lots benefited thereby and such amounts shall be levied and assessed upon said lots as a special tax, and be inserted in the tax roll first made out thereafter, and collected as other special taxes are; said work may be done by the common council, or by men in its employ, or let out by contract to some third party.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 6, 1885.

[No. 103, S.] [Published February 23, 1885.]

CHAPTER 10.

AN ACT to amend chapter 37, of the laws of 1882, entitled, "An act to incorporate the city of Port Washington."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Charter amended by adding subdivisions.

SECTION 1. That section 13, of said chapter 37, is hereby amended by striking out the word, "ten," where it occurs in the second line in said section, and inserting in lieu thereof the word, "six," so that said section when so amended shall read as follows: Section 13. Any officer removing from the city, or any officer who shall neglect or refuse for six days after his election or appointment to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

SECTION 2. Section 34, of said chapter is hereby amended by adding thereto three new subdivisions which shall read as follows:

36. To license the keeping of dogs within the limits of said city and to authorize the destruction of the same in a summary manner when kept contrary to the ordinance.

37. To apply and expend a sum equal to one-half of the amount received for licenses in any one year for any purpose which in their opinion is most beneficial to the city.

38. To impose and establish rates of dockage and provide for the collection of the same on any articles passed over the city docks of the harbor at the end of streets abutting on said harbor, or at any dock built and kept in repair by the city.

Repealed

SECTION 3. Section 36, of said chapter, is hereby repealed, and in lieu thereof said section 36, is hereby re-enacted so as to read as follows: Section 36. In case any day on which any duty is to be performed by the provisions of this chapter falls on a legal holiday, such duty shall be performed on the first secular day thereafter.

by said dam as may be necessary. But this a
shall not be so construed as to authorize the mai
tenance of said dam, at a greater height than th
same has heretofore been and is now maintaine
And said city may, by contract or ordinanc
grant to any persons, company or corporatio
the full right and privilege, and empower and a
thorize such persons, company or corporation,
build for themselves and own such water-work
to maintain, operate and regulate the same; a
in so doing to use the dam and other necessa
works herein authorized, so as to supply th
said city and the inhabitants thereof with wat
for such price, in such manner, and subject
such limitations, as may be fixed in such contra
or ordinance; and the said city may, by such co
tract or ordinance, rent fire hydrants, of such pe
son or persons, partnership or corporation, f
such period, and upon such terms, conditio
and limitations as its common council, in its di
cretion, may fix in such contract or ordinance, a
in that event, a sufficient special tax, payable
money, may annually be assessed, levied and co
lected upon all real and personal property with
the said city, except such as may be exempt
the laws of the state, to meet the payments f
rent of fire hydrants, when, and as they will
spectively mature during the existence of a
contract for hydrant rentals, the proceeds
which tax shall be kept as a separate fund, knov
as, "Fire Hydrant Fund," and shall be exclusive
devoted to the payment of such hydrant renta
and shall not be otherwise employed.

SECTION 2. This act shall take effect and be
force from and after its passage and publicati

Approved February 18, 1885.

shall be inspectors of all city elections in their said ward, according to the provisions of general laws governing elections, and they shall appoint clerks thereof and provide ballot-boxes for the same, and each ballot voted thereat may have written or printed thereon the names of all persons voted for at any such election.

Relating to votes for mayor.

SECTION 3. Section 12, of sub-chapter 2, of said chapter 21, of the laws of 1882, relating to the votes for mayor and all elective officers, shall be on one ballot, is hereby repealed.

Date of election changed.

SECTION 4. Section 13, of sub-chapter 2, of said chapter 21, of the laws of 1882, is hereby amended by striking out the words, "fourth Tuesday of March," in the third line thereof, and inserting in lieu thereof the words, "second Tuesday of April," so that the section, when amended, will read as follows: Section 13. The term of every officer elected under this act, except to fill a vacancy, shall commence the second Tuesday of April of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

Repealing section.

SECTION 5. All acts or parts of acts, conflicting with this act, are hereby repealed, so far as they conflict or are inconsistent with this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1885.

[No. 273, S.] [Published February 27, 1885.]

CHAPTER 16.

AN ACT to incorporate the city of Cedarburg.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate name.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1885, shall be a city by the name of Cedarburg; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a mu-

SECTION 4. This act shall take effect and be i force from and after its passage and publicatio

Approved February 19, 1885.

[No. 204, S.] [Published Feb 23, 1885

CHAPTER 12.

AN ACT to amend chapter 21, of session laws 1882, entitled, "An act to incorporate the cit of Baraboo."

The people of the state of Wisconsin, represent in senate and assembly, do enact as follows:

City charter amended respecting elections.

SECTION 1. Section 1, of sub-chapter 2, of cha ter 21, of the laws of 1882, is hereby amended striking out the words, "second," and "March," the second line thereof and inserting the word "first," and "April" in lieu thereof, and by inser ing next after the word, "places," in the third li thereof the words, "in each ward," so that the se tion when amended will read as follows: Secti 1. The annual election for city and ward office shall be held on the first Tuesday of April in ea year at such place or places in each ward as t common council shall designate and provide; a the polls shall be kept open from nine o'clock M., until five o'clock P. M., but an adjournme may be made from twelve o'clock M. to one o'clo P. M., by notice thereof given at the opening the polls. The city clerk shall give at least s days notice of such election, stating time and pla or places of holding the same, the officers to elected thereat, and also of any special action be taken or asked at such meeting by causing t same to be printed in one or more papers pu lished in said city of Baraboo, or by posting t same in two or more public places in each ward said city, and the city clerk shall file copies of t papers containing such notice in his office.

Members of council to be inspectors of election.

SECTION 2. Section 6, of sub-chapter 2, of s chapter 21, of the laws of 1882, is hereby amend so as to read as follows: Section 6. The th members of the common council in each wa

shall be inspectors of all city elections in their said ward, according to the provisions of general laws governing elections, and they shall appoint clerks thereof and provide ballot-boxes for the same, and each ballot voted thereat may have written or printed thereon the names of all persons voted for at any such election.

Relating to votes for mayor.

SECTION 3. Section 12, of sub-chapter 2, of said chapter 21, of the laws of 1882, relating to the votes for mayor and all elective officers, shall be on one ballot, is hereby repealed.

Date of election changed.

SECTION 4. Section 13, of sub-chapter 2, of said chapter 21, of the laws of 1882, is hereby amended by striking out the words, "fourth Tuesday of March," in the third line thereof, and inserting in lieu thereof the words, "second Tuesday of April," so that the section, when amended, will read as follows: Section 13. The term of every officer elected under this act, except to fill a vacancy, shall commence the second Tuesday of April of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

Repealing section.

SECTION 5. All acts or parts of acts, conflicting with this act, are hereby repealed, so far as they conflict or are inconsistent with this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1885.

[No. 273, S.] [Published February 27, 1885.]

CHAPTER 16.

AN ACT to incorporate the city of Cedarburg.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate name.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1885, shall be a city by the name of Cedarburg; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a mu-

nicipal corporation by the name of "the city o Cedarburg," and shall have the general power possessed by municipal corporations at commo law, and in addition thereto shall possess th powers herein specially granted, and the authori ties thereof shall have perpetual succession; shal be capable of contracting and being contracte with, suing and being sued, pleading and bein impleaded in all courts of law and equity, an shall have a common seal, and may change an alter the same at pleasure.

City boundaries.

SECTION 2. The following described territor shall be included in and constitute the limits an boundaries of the city of Cedarburg, to wit: Th southwest quarter of section twenty-six, the eas half of the northeast quarter of section twenty seven, the east half of the southwest quarter o the northeast quarter of section twenty-seven, th east half of the southeast quarter of section twenty seven, and that portion of the west half of th southeast quarter of section twenty-seven whic lies east of a certain highway or road running i a north and southerly direction through th whole length of said west half; the east half o the northeast quarter of section thirty-four, an that part of the northwest quarter of sectio thirty-five which lies west of the main track o the Milwaukee & Northern railroad, which run in a north and southerly direction through sai quarter section. All the said pieces or parcels o land, lying and being in township number te north, of range number twenty-one east, in th county of Ozaukee and state of Wisconsin.

Corporate authority, in whom vested.

SECTION 3. The corporate authority of sai city shall be vested in one principal officer, style the mayor; in one board of aldermen, consisting of five members, who, with the mayor, shall be de nominated the common council, together wit such other officers as are hereinafter mentioned o may be created under this act.

Annual election, when held.

SECTION 4. The annual election for city officer shall be held on the first Tuesday in April in eac year, at such place as the common council sha designate, and the polls shall be kept open fro nine o'clock in the forenoon till five o'clock in th afternoon, with the proviso: That an adjourn ment may be had for one hour between the hour of twelve o'clock M. and one o'clock P. M., upo

due notice thereof given at the opening of the polls. Six days' previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city.

The elective officers.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, a city marshal, one constable, three justices of the peace and five aldermen. The treasurer, assessor, marshal, clerk, justices of the peace and constable shall be qualified voters and residents of the city of Cedarburg, and the mayor and aldermen shall be qualified voters and freeholders in the city of Cedarburg. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace, unless otherwise provided, hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power, for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

Vacancies, how they shall be filled.

SECTION 6. Whenever a vacancy shall occur in the office of mayor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Election shall be by ballot.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and in such manner as it shall direct.

Who are qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who are actually residents of the city of Cedarburg shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections.

When the first city election shall be held, and where.

SECTION 9. The first city election of said city of Cedarburg, for the election of city officers, shall be held on the first Tuesday in April, 1885, in the upper floor room of the Turn Hall in said city, and at all city elections of said city, at the time of opening the poll the electors present shall choose, *viva voce*, from the qualified electors present, three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the sheriff of Ozaukee county, Wisconsin, stating the time and place of holding the same and of the officers to be elected, which notice shall be posted in three public places in said city.

Duties of inspectors of election.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years old; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year; that you are an actual resident within this city, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." Which oath any member of the board of inspectors is hereby authorized to administer. And if the person so offering to vote shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a

qualified voter, shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election shall be the same as that provided by statutes of this state for similar conduct at any general election.

Directions to inspectors in regard to canvassing votes.

SECTION 11. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes for each and every office and the number of votes for each and every person for each and every office, and shall deliver such returns to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Ozaukee county, giving both the names and terms for which elected, and upon the election of mayor or treasurer the clerk shall give like notices to the clerk of the board of supervisors of Ozaukee county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections to fill vacancies.

SECTION 12. Special elections to fill vacancies, or for other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

What is deemed a vacation of office.

SECTION 13. Any officer removing from the city, or any officer who shall neglect or refuse for

ten days after his election or appointment t qualify and enter upon the discharge of his dutie shall be deemed to have vacated his office, an the common council shall proceed to fill suc vacancy as herein provided.

The term of every officer.

SECTION 14. The term of every officer electe under this act, except justices of the peace, sha commence the second Tuesday in April of th year for which and in which he was elected.

First election of city officers.

SECTION 15. The first election of officers und the provisions of this act shall be held on the fir Tuesday in April, 1885; the election of justices o the peace shall be held at the same time and plac and so every two years thereafter, or when vacancy shall occur; provided, that the justices o the peace now residing within said city of Ceda burg shall hold their offices until their terms ex pire.

In case there is a failure to elect.

SECTION 16. Should there be a failure to elec any officers herein required to be elected, on th day designated, the common council may order new election to be held, ten days' notice of th time and place being first given.

Persons elected shall take oath of office.

SECTION 17. Every person elected or appointe to any office under the provisions of this act, ex cept justices of the peace, shall, before he ente upon the duties of his office, take and subscrit an oath of office, and file the same, duly certifie by the officer taking the same, with the city clerl The treasurer, clerk, marshal and such other offi cers as the common council may direct, sha severally, before they enter upon the duties o their respective offices, execute to the city o Cedarburg a bond with two sureties, to be ap proved by the common council or a majorit thereof; and said common council may, from tim to time, require new and additional bonds, an remove from office any officer refusing or neglec ing to give the same.

Powers and duties of the mayor.

SECTION 18. The mayor, when present, sha preside over the meetings of the common counc and shall take care that the laws of the state ar the ordinances of the city are duly observed ar enforced and that all executive officers of th city discharge their respective duties. The mayo shall be the chief executive officer and the hea of the police of the city, and in case of riot ar other disturbance or apparent necessity, he ma

appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council and he shall vote in the common council only in a case of a tie vote; he shall give the common council such informations and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The mayor shall represent the said city in the county board of supervisors of Ozaukee county, Wisconsin, and in his absence or inability to act, the common council shall designate one of their number to so represent said city. The common council shall at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who in the absence of the mayor shall act as such mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of such mayor.

Veto power.

Representation on county board.

SECTION 19. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mort-

Duties of city clerk.

gages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Jurisdiction of the justice of the peace.

SECTION 20. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have furthermore, jurisdiction of all offenses against the provisions of this charter and the ordinances by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Duties of city treasurer.

SECTION 21. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all money received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out; and all moneys raised received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities and governed by the same laws as treasurers of towns in this state; provided, that he shall receive no other fee except the compensation hereinafter provided.

SECTION 22. The marshal shall perform such

duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid such deputies shall possess all the powers and authority and be subject to the same liabilities with the marshal. Duties of city marshal.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver up to his successor in office all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state. Penalty for not delivering up to successor.

SECTION 24. No mayor or alderman shall be a party to or interested in any job or contract with the city, and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on Shall not be interested in any job.

such contract, the common council may sue fo and recover back the amount so paid from th parties to such contract and the mayor or alder men interested in the same.

Officers of the peace.

SECTION 25. The mayor or acting mayor, eac and every alderman, justice of the peace, marsha deputy marshal, policeman and watchman an constables of said city, and the sheriff of Ozauke county, and his deputies, shall be officers of th peace, and may command the peace and suppres in a summary manner all riotous or disorderl behavior within the limits of said city; and fc such purpose may command the assistance of a bystanders, and if any person, bystander or pr vate citizen, shall refuse to aid in maintaining th peace, when so required, every such person s refusing shall forfeit and pay a fine of not les than five nor more than fifty dollars.

Powers of justices of the peace.

SECTION 26. The justices of the peace of sai city shall possess and exercise the same and lik powers, jurisdiction and duties, and shall be sul ject to the same liabilities and regulations as ar conferred upon and required of justices of th peace of the several towns of this state. All pro ecutions for a breach or violation of any by-lav ordinance or regulation shall in all cases be con menced in the name of the city of Cedarburg, an the same proceedings shall be had in all civil an criminal actions before said justices of the peac when not otherwise herein directed, as are e tablished and required to be had in civil an criminal actions and proceedings by the laws c this state before justices of the peace; provide that in a case of prosecution for a breach c violation of an ordinance, by-law or regulation c said city on its charter, defendants shall have th same right of appeal under the same condition and requirements as now are or may be provide by the laws of this state for taking appeals fro justices' courts. All fines and penalties impose for violation of any city ordinance, resolutio by-law or regulation, shall belong to and be pa over to the treasury of said city and be a part c the finances thereof.

Duties of justices of the peace.

SECTION 27. The justices shall account for ar pay over to the treasurer of said city all fines ar penalties collected by him and belonging to sa city within ten days after receiving the same, an

take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive, in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

Duties of assessors.

SECTION 28. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor of fifty dollars a year.

Duties of the street commissioner.

SECTION 29. It shall be the duty of the street commissioner, within, ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges and all things appertaining to the streets, and report in writing to the common council, recommending, in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their first, second and third necessity, and so on to the end of his recommendations; under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any street or sidewalk if in its opinion it is a matter of necessity.

Relating to the care of streets, etc.

SECTION 30. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

What constitutes the common council.

SECTION 31. The mayor and aldermen shall constitute the common council and shall not receive any compensation for their services unless they be acting as inspectors of elections and the

style of all ordinances shall be, "The common council of the city of Cedarburg do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

When common council shall hold meetings.

SECTION 32. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as it shall appoint and the mayor may call special meetings by notice to each of the members to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members and have power to compel the attendance of absent members by fine or otherwise.

Management and control of finances.

SECTION 33. The common council shall have the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade and commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to be and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States, or of this state.

Power of licensing etc.

SECTION 34. The common council shall have power to license and regulate the exhibition of common showmen, and shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vin-

ous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted, shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date, the same may he granted to expire on the said first day of May, of each year, and the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year.

Suppress gambling.

1. To suppress, restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Blowing of steam whistles.

2. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Cedarburg, by reason of his or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To remove nuisances.

3. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

4. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use, and occupation of the same when offal or filth therefrom shall discharge

into the waters of the rivers, lakes, ponds or sloughs.

Prevent incumbering of streets.

5. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

Horse racing.

6. To prevent horse racing, immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

7. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

8. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Putrid carcasses.

9. To prevent persons from bringing, depositing or having within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Public pounds.

10. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health.

11. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

12. To establish the weight and size of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

Animals on sidewalks.

13. To prevent all persons riding or driving any horse or mule, or any other animal on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.

14. To prevent shooting of firearms or fire-

crackers, and to prevent the exhibition of fire-works in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof. Discharging fire arms etc.

15. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkards.

16. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Restrain runners.

17. To make rules, regulations and ordinances for the government of the police of the city. Government of police.

18. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meats, fish and other articles. Public markets.

19. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.

20. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot around or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. Cleansing streets, sidewalks, etc.

21. To regulate control and prevent the coming of persons from other places wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city. Infectious disorders etc.

22. To regulate the time, place and manner of holding public auctions and vendues. Auctions.

Watchmen. 23. To appoint watchmen and prescribe their duties.

Weights and measures. 24. To provide by ordinance for a standard of weights and measures.

Protect trees and monuments. 25. To protect trees and monuments in said city.

Sewers. 26. To prescribe and regulate the construction of sewers within said city.

Alter highways. 27. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances and to protect them from injury.

Change name of streets. 28. To alter or change the name of any street in the city.

School district. 29. To consolidate or change the boundaries of school districts in said city under the same restrictions and with the same power as is now conferred on town boards under the general laws of this state.

Ordinances. 30. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state, necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Actions at law. 31. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ council therefor.

Purchase of real estate. 32. To purchase real estate and provide for the erection of a city hall and engine houses.

Special election for raising tax. 33. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements.

Establish grades. 34. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established it shall have such gradients as shall be sufficient to carry off all surface water or other waters from whatever source, coming on the street or streets; and when a grade is so established they shall cause an accurate profile to be made thereof and filed with city clerk; and all such grades shall be worked in exact accordance

with such profile and the ordinance establishing the same.

35. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as they shall see fit, and to define their powers and duties; to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof, water mains, reservoirs or other water-works; to erect engine houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of and cleaning of chimneys; to prevent bonfires and the use of fireworks and fire-arms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires as may be necessary and proper; and to declare by ordinanco the punishment for violation of any such ordinance or regulation. The fire company now and heretofore existing in the territory of said city, and heretofore known as the fire department or company of Cedarburg, and its constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Cedarburg, and be supported by said city, until the common council shall establish a fire department under the provisions of this act, and the proper officers of the department now existing shall in the months of May and October in each year make a report to the common council, showing an estimate of what will be necessary and required for the maintenance of said department, and also a

Fire department.

correct statement showing for what purpose moneys have been expended which may have been paid to said department by said city.

Laws, ordinances, etc. how passed.

SECTION 35. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall be published in a newspaper published in the city of Cedarburg before taking effect, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose, but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to the lowest bidder.

SECTION 36. All printing and publications required by this act, or by the common council, shall be done at the same price as now established by law for printing legal notices, and if more than one newspaper is printed in said city the printing shall be let to the lowest bidder therefor, who shall be required to give bonds, with such conditions and such sureties as the common council shall determine and require.

Abatement of nuisances.

SECTION 37. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings, in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept, at any one time are hereby declared and shall be deemed nuisances.

To audit accounts.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers or agents of the city, at such time as it may deem proper, also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired;

and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of its duties, in pursuance of this section, or shall neglect or refuse to render its accounts or present its books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person or agent of said city, who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

Funds in treasury.

SECTION 39. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Taxes for current expenses.

SECTION 40. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding two per cent. upon the assessed valuation of said city in any one year unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Limit for bonds to be issued.

SECTION 41. The common council of said city shall not have power to issue any bonds, or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasurer, to an amount greater than the amount

of taxes which may be levied under the provisions of this act,

Accounts to be verified.

SECTION 42. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire, under the supervision of the street commissioner, duly certified by him.

Accounts that are disallowed.

SECTION 43. When the claim of any person against the said city shall be disallowed, in whole or in part, by the common council, the determination of the common council disallowing the same, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such a claim, unless an action to recover the same shall be commenced within thirty days after such disallowance by the common council of said city.

Annual reports.

SECTION 44. The common council shall, annually, on Tuesday next preceding the annual election, make a report, showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published before the annual election.

Power to lay out streets.

SECTION 45. The common council shall have power to lay out public streets and alleys, and to widen the same, as follows: Whenever five or more freeholders, residing in said city, shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds, of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actua occupation of any person, then the common council shall cause such notices, describing, as near as may be, the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

SECTION 46. Such notice shall state, that upon

a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication as the case may be, application will be made to a court commissioner of said county of Ozaukee for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition. What notice shall state.

SECTION 47. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk. Selection of the jury.

SECTION 48. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed can not be found, or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept. Marshal shall serve the precept.

SECTION 49. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall Jurors shall view the premises.

be authorized to administer oaths to witnesses After viewing the premises in question and hear ing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report and directing the same jurors, within twenty days thereafter, to again view the premises, to ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken; and to assess and return within the twenty days such damages to the common council, who shall enter an order confirming the same.

Value of building to be ascertained.

SECTION 50. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Length of notice that shall be given.

SECTION 51. At least ten days' notice of such determination shall be given to the owner or his agent, if known and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein and give notice of their election to the common council either to accept the award of the jurors and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

In case owner of building refuses to remove.

SECTION 52. If the owner shall refuse to take the building at the value assessed by the jurors to remove or fail to give notice of his election aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving the

days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

The award of jurors.

SECTION 53. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Ozaukee county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecuting of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge or court commissioner.

Lands not to be appropriated until damages are awarded.

SECTION 54. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Legal disability.

SECTION 55. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the county judge of Ozaukee county on the application of the mayor of the city or

such party or his next friend, shall appoint guardian for such party, and all notices requir by this act shall be served upon such guardia Whenever any street, alley or public grounds sh be laid out under the provisions of this chapt the common council shall cause an accurate su vey and profile thereof to be made and filed in t office of the clerk.

What property is taxable.

SECTION 56. All property, real or person within the city, excepting such as may be exem by the laws of the state, shall be subject to tax tion for the support of the city governmer schools, and the payment of debts and liabiliti and the same shall be assessed in the mann hereinafter provided, and the assessor elect under this act shall have and possess the sa powers that are or may be conferred upon tow ship assessors, except so far as they may be tered by this act; provided, that the comm council may prescribe the form of assessm roll, and more fully define the duties of assesso and make such rules and regulations in relati to revising, altering or adding to such rolls a may from time to time deem advisable. Wh the assessment roll shall be completed, the sessor shall return the said assessment roll to board of equalization of the city. The board equalization may supply omissions in said r and for the purpose of equalizing the same n alter and add to, take from and otherwise rev and correct the same. If it shall appear to assessor that any lot or parcel of land omitted in the assessment roll of either or b of the preceding two years, and that the sa was then liable to taxation, he shall, in addit to the assessment of that year assess upon the or tract so omitted, for such year or years tha shall have been so omitted, the just value ther noting the year when such omission occur and such assessment shall have the same forc it would have had if made the year when same was omitted. Should the tax or assessm upon any parcel of land be set aside or decla void, by reason of any defect or informalit assessing, levying, selling or conveying the sa but not affecting the justice and equity of the itself, the common council shall cause the ta assessment so set aside or declared void to

relevied, in such manner as it shall direct by ordinance.

The board of equalization.

SECTION 57. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board, and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

The duty of city clerk on receipt of the assessment roll.

SECTION 58. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December, in each year, and to each assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The State of Wisconsin

to the city treasurer of the city of Cedarburg, in the county of Ozaukee.

Forms.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattles of the person or corporation so taxed and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Ozaukee, on or before the last Monday in January next, the sum of —— for state taxes, and the further sum of —— for county taxes, and the balance of said money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of said county of Ozaukee.

Given under my hand and the corporate seal of the city of Cedarburg, this —— day of ——, 18—.

——— ———,
City Clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws shall govern.

SECTION 59. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as required by law of town treasurers to collect taxes except as herein provided.

Tax list notice to be published in newspaper.

SECTION 60. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days e:

suing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city.

Treasurer's fees.

SECTION 61. The treasurer shall collect as fees for the collection of taxes, one and one-half of one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

State tax, how paid.

SECTION 62. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city.

Uncollectible tax.

SECTION 63. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state, and any act that may be hereafter passed amendatory of said acts in addition thereto.

Relief and support of the poor.

SECTION 64. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Control of the common schools.

SECTION 65. The common school or schools of the city of Cedarburg shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties.

Apportionment of school money.

SECTION 66. The town clerk of the town of Cedarburg for the year 1885, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1885, to

the several districts, a part of which is embraced in the city of Cedarburg, in the same manner as though this act had not been passed.

Collection of fines and penalties.

SECTION 67. The city of Cedarburg in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of this act or the chapter or section of this act, or the ordinance, by-law or regulation, or the section of the ordinance by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in case of tort, before a justice of the peace, under the gen, eral statutes of the state for the time being; and when commenced by summons such summons may be substantially in the following form:

Form of summons.

County of Ozaukee, }
City of Cedarburg. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Cedarburg:

You are hereby commanded to summon —— ——, if he shall be found in your county, to appear before the undersigned, a justice of the peace, in and for the city of Cedarburg, on the —— day of ——, 18—, at —— o'clock in the —— noon, to answer to the city of Cedarburg, to the damage of said city, two hundred dollars or under.

Given under my hand, this —— day of ——, 18—.

—— ——, Justice of the Peace.

Return of summons

Such summons shall be made returnable, and served in the same manner as is now, or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall

be governed by the laws of this state for the time being, relative to actions commenced by summons, and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

The City of Cedarburg } In Justice Court,
against
A. B. }

C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that, on the —— day of ——, 18—, at the said city, the defendant did violate section — — of (this act) or section ——, of an ordinance, or by-law, or regulation of said city (describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Cedarburg to recover of the defendant the sum of —— dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

Form of complaint.

City of Cedarburg } In justice court, county of
against Ozaukee, ss.
A. B. }

—— ——, being duly sworn, complains on oath to C. D., a justice of the peace of the city of Cedarburg, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of (this act) or section ——, of chapter ——, of (this act), or section —— of an ordinance, or by-law or regulation of said city (describing it by its title), as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Cedarburg therefore.

Sworn and subscribed this — — day of ——, 18—.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Ozaukee, City of Cedarburg, — ss. The state of Wisconsin to the sheriff or constable of said county, or to the marshal of the city of Cedarburg:

Whereas, —— —— has this day complained to

me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of this act, or section —— of chapter ——, of this act, or section —— of an ordinance, by-law, or regulation of said city (describing it by its title); therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith to answer to said city of Cedarburg on the complaint aforesaid.

C. D., Justice of the Peace.

Duties when warrant is returned.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court, shall recognize, with security, to be approved by the court, for his or their appearance, in such sum as the court may direct, or, in default, may be put in charge of the officer who made the arrest, or to be committed to the lock-up or jail of said city. The complaint, as aforesaid, shall be the only complaint required, and the answer of, "not guilty" shall put in issue all the subject matter embraced in the action.

Printed copy to be evidence.

SECTION 68. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, as certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Prepayment of fees not required.

SECTION 69. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process, duly served, and in default thereof, their attendance may be compelled by attachment.

Findings of court or jury.

SECTION 70. In city prosecutions, the findings of the court or jury shall be, "guilty," or, "not guilty." If guilty, the court shall render judgment against the defendant, for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as

in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment, in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Appeal.

SECTION 71. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal from such judgment to the circuit court of Ozaukee county in the time and manner provided by law for appeals from justices' courts.

All persons competent.

SECTION 72. No person shall be an incompetent witness, judge, justice, or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Preservation of the bridges.

SECTION 73. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto, are hereby extended to, and shall include all the bridges now erected or hereafter to be erected over any stream by or in the city of Cedarburg, and shall apply to any wilful and malicious damage which may be done to them; and the common council of said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

How service of process may be made.

SECTION 74. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city; and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be.

No exemptions.

SECTION 75. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Cedarburg.

Work to be let by contract.

SECTION 76. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order.

City may hold real estate.

SECTION 77. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Legal status.

SECTION 78. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

Power to sign deeds, etc.

SECTION 79. When the city of Cedarburg deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Cedarburg, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Copy of ordinance to be attached to deeds, etc.

SECTION 80. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution when so attached to such deed or lease, shall be recorded with such lease or deed by the register of deeds, and such copy, when so attached, and the record thereof, shall in all the courts of this state be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

Failure to hold election not to invalidate.

SECTION 81. If any election by the people or common council, shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done and performed, the common council

may appoint another time at which said act may be done and performed.

No general law shall repeal.

SECTION 82. No general laws of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

City to be regarded as a town for equalizing purposes.

SECTION 83. The board of supervisors of the county of Ozaukee shall have the right and shall regard the city of Cedarburg as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the mayor of said city, or in his absence one of its aldermen, as a member of the county board. The said board of supervisors may levy a tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks.

Copy of assessment roll to be transmitted.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Ozaukee, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Delinquent lands shall be sold by county treasurer.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of Cedarburg, at the same time and in the same manner as other delinquent lands are sold in the county.

Duties of county treasurer on sale of delinquent lots.

SECTION 86. It shall be the duty of the county treasurer of the county of Ozaukee, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Cedarburg, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

The use of county jail.

SECTION 87. The use of the jail of Ozaukee county shall be granted to the city of Cedarburg, until otherwise provided for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases.

When connection between town and city shall cease.

SECTION 88. From and after the first Tuesday in April, A. D. 1885, the connection between the town of Cedarburg and that part of said town included within the limits of the city of Cedarburg, for all town purposes, shall be dissolved; all that part of the town of Cebarburg not included within the limits of the city of Cedarburg, shall constitute the town of Cedarburg, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Real estate subject to special taxes.

SECTION 89. Real estate exempted from taxation by the laws of this state shall be subject to special taxes or assessments which become or shall be chargeable against particular property as provided by this act.

Compensation of city officers.

SECTION 90. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive a compensation for their services such sum as the common council shall determine, and the common council shall, in the month of March thereafter, determine by resolution the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation the said officers and each of them shall receive the same compensation as their immediate predecessor.

Calling juries.

SECTION 91. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases in justices' courts under the general laws of this state.

Liabilities to be assumed by city.

SECTION 92. All liabilities arising from contracts or otherwise for the building or repairing of bridges and public highways heretofore made

by the town of Cedarburg, shall be assumed and settled by either the said city or by the said town of Cedarburg in whichever boundaries the same may be located.

SECTION 93. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1885.

[No. 94, A.] [Published March 5, 1885.]

CHAPTER 32.

AN ACT to revise chapter 5, of the general laws of 1883, entitled, "An act to incorporate the city of Merrill."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the passage of this act, the following described district of country, to wit: The west one-half of section seven, and the northwest quarter of section eighteen, all in township thirty-one north, of range seven east, and sections ten, eleven and twelve, and the north one-half of sections thirteen, fourteen and fifteen, all in township thirty-one north, of range six east, lying and being in the county of Lincoln and state of Wisconsin, shall be a city, the name of which shall be Merrill, and the people inhabiting said territory shall be a municipal corporation, to be known and designated as "The City of Merrill." Said corporation shall have all the general powers possessed by municipal corporations at common law, and under the general statutes of the state of Wisconsin. And in addition thereto, the powers hereinafter granted, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of purchasing and conveying real and personal estate, and shall have a common seal and may alter the same at pleasure. Corporate name.

SECTION 2. A special election shall be held in said city of Merrill on the first Tuesday of March, A. D. 1885, for the purpose of determining the number of wards into which said city shall be Special election.

divided; provided, that in case this act shall not be published on or before February 26, 1885, said special election shall be held on the second Tuesday of March, 1885. Such election shall be conducted and the votes canvassed in the same manner as general elections for state and county officers, except as hereinafter provided, and the qualifications of voters shall be the same as at general elections, except that no person shall be entitled to vote at such special election, who has not been a resident of said city for at least thirty days immediately preceding the time of such special election. At such special election each voter shall publicly, at the poll when he offers to vote, deliver in person to one of the inspectors of election, a ballot or piece of paper on which shall be written or printed the words, "For division into seven wards," or the words, "Against division into seven wards," and the inspector receiving the same shall without opening it, or permitting it to be opened or examined, deposit it in a ballot box to be provided for receiving such ballots. No notice of such special election shall be required, except the publication of this act in the official state paper. There shall be two election polls in said city of Merrill for such special election, one of which said polls shall be at the council room in said city, and the other at the skating rink in the fifth ward of said city. All voters residing in the first, second and third wards of said city of Merrill, as constituted by chapter 5, of the laws of 1883, shall be entitled to vote at the election poll held at said council room and not elsewhere, and all voters residing in the fourth, fifth and sixth wards of said city, shall be entitled to vote at the election poll held at the skating rink in the fifth ward of said city and not elsewhere. Four inspectors and two clerks of said election for each of said polls shall be appointed as follows: One clerk and two inspectors for each of said polls shall be appointed by the aldermen of the first, second and third wards of said city, who shall meet for that purpose the day before said special election is held, and one clerk and two inspectors for each of said polls shall be appointed by the aldermen of the fourth, fifth and sixth wards of said city in the same manner.

Division into wards.

SECTION 3. The inspectors of said election shall forthwith make their returns, stating the number of votes cast for division into seven wards, and the number of votes cast against division into seven wards respectively, to the city clerk of said city, and shall also make duplicate returns thereof, to the county clerk of Lincoln county. On the next day after such election, at eight o'clock P. M., the common council of said city, shall meet and canvass said returns, filed with said city clerk, and declare the result as it shall appear from the same, and said city clerk shall make and keep a record of the same. In case a majority of the members of said common council shall not be present to make said canvass at the time herein specified, the members present shall proceed to make such canvass. All provisions of law relating to penalties and punishments for violations of the laws relating to general elections, shall be applicable to said election. Return of votes.

SECTION 4. If at such election a majority of all lawful votes cast shall be "Against division into seven wards," said city of Merrill is and shall be divided into six wards, the boundaries whereof shall be as follows: All that territory lying in the following boundaries shall be known as the First ward, viz.: Beginning in the center of section eighteen, town thirty-one north, of range seven east, and running north to the quarter post on the north side of section seven, town thirty-one north, of range seven east; thence west on the section line to the northwest corner of the northeast quarter of section twelve, town thirty-one north, of range six east; thence due south one-half mile, thence west along the center of the street to a point where the center of Park street intersects the former street; thence south, following the center line of said Park street to the south bank of the Wisconsin river; thence westerly along the south bank of said river to the line between sections thirteen and fourteen, of town thirty-one north, of range six east; thence south to the quarter post between said sections thirteen and fourteen; thence east to the place of beginning. All that territory lying in the following boundaries shall be known as the Second ward, viz.: Beginning at the northwest corner of the first ward Ward boundaries in case the vote is against division into seven wards.

and running west one-half mile to the northwest corner of the northeast quarter of the northwest quarter of section twelve, town thirty-one north, of range six east; thence on a line due south to a point where said line intersects the center of Poplar street; thence south twenty degrees east, to the center of Main street, thence south seventy degrees west, to the east line of fractional lot two, in the last above named section; thence south to the north bank of the Wisconsin river; thence easterly along the north bank of said river to where the west line of the first ward crosses the same; thence north and west on said ward line to the place of beginning. The street running south twenty degrees east, along the east side of the High School Block to Main street, is the one referred to as Poplar street. All that territory lying in the following boundaries shall be known as the Third ward, viz.: Beginning at the northwest corner of the second ward and running west to the Prairie river; thence along the east and north bank of Prairie river to the Wisconsin river; thence north and east along the bank of the Wisconsin river to the west line of the Second ward; thence north and west along said ward line to the place of beginning. All that territory lying in the following boundaries shall be known as the Fourth ward, viz.: Beginning on the north bank of the Wisconsin river, where the west line of section ten, town thirty-one north, of range six east, intersects the same, and running thence north to the northwest corner of said section ten; thence east to the east bank of the Prairie river; thence south and westerly along said bank of said river to the south line of the northwest quarter of the southeast quarter of section eleven, town thirty-one north, of range six east; thence west to the center of the east channel of the Wisconsin river; thence down the center of said channel to a point seventy-five feet south of the south point of the island known as Howe and Chandler's island; thence up the center of the west channel and the main river to a point south of the place of beginning; thence north to the place of beginning. All that territory lying in the following boundaries shall be known as the Fifth ward, viz.: Beginning at the north bank of the Wisconsin river where the Prairie river intersects the same, and

running westerly and north along said bank of said Wisconsin river to the north line of fractional lot three, section eleven, town thirty-one north, of range six east; thence east to the east bank of the Prairie river; thence down said bank to the place of beginning. All that portion of section ten, town thirty-one north, of range six east, lying south of the Wisconsin river, and all that portion of the north one-half of sections fourteen and fifteen of the above named town, lying south of the Wisconsin river, shall constitute the Sixth ward, and chapter 2, of the laws of Wisconsin for the year 1885, and all other acts and parts of acts conflicting with the provisions of this act, so far as they conflict with the provisions of this act, shall be and are hereby repealed.

Ward boundaries in case the vote is for seven wards.

SECTION 5. If at such election held as hereinbefore mentioned, a majority of all lawful votes cast shall be, "For division into seven wards," said city of Merrill is and shall be divided into seven wards, the boundaries whereof shall be as follows: All that part of the northwest quarter of section eighteen lying north of the Wisconsin river, and the west half of section seven, all in township number thirty-one north, of range number seven east, and the east half of the east half of section twelve, in township number thirty-one, north of range six east, and blocks three, four, five, six, eleven and twelve, of G. L. Parks', Thos. P. Mathews', John Phelps, and Thos. B. Scott's addition to Merrill; and blocks nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of G. L. Parks' addition to Merrill shall constitute and be known as the First ward. The west half of the northeast quarter of section number twelve, in township number thirty-one north, of range six east, and blocks one, two, three, four, five, six, seven and eight of G. L. Parks' addition to Merrill, and blocks one, two, seven, eight, nine and ten of G. L. Parks', Thos. P. Mathews', John Phelps and Thos. B. Scott's addition to Merrill; all of lot number four of section twelve, township thirty-one north, range six east, south of said last mentioned addition; blocks two, three, four, five and nine of Scott's and Parks' addition to Merrill; blocks one, ten, thirteen, fourteen, fifteen and sixteen of the original plat of Jenny; all of the northwest quarter of section number eighteen, township number thirty-one

north, of range seven east, south of the north bank of the Wisconsin River; the north half of section thirteen, township number thirty-one north, of range six east, and lot number one of section twelve, township thirty-one north, of range six east, shall constitute and be known as the Second ward; the northeast quarter of section fourteen, the south half of the southeast quarter of section eleven, lot number two, of section twelve, all in township number thirty-one north, of range six east, and blocks thirteen, fourteen, fifteen and sixteen of V. R. Willard's addition to Merrill; blocks four, five and eleven of H. Streeter's addition; blocks two, three, four, seven, eight, nine, eleven and twelve of the original plat of Jenny, and all of lot number three, section number twelve, township number thirty-one north, of range six east, lying south of said last mentioned addition, shall constitute and be known as the Third ward. All the remaining territory in said city lying north of the Wisconsin river and east of Prairie river, not hereinbefore described, shall constitute and be known as the Seventh ward. The boundaries of the fourth ward shall be as follows: Beginning in the center of the Wisconsin river, where the west line of section ten, in township number thirty-one north, of range six east, crosses the same; thence north to the north line of the city; thence east to the east bank of the Prairie river; thence southerly along the east bank of said river to the north line of lot three, of section eleven, township number thirty-one north, of range six east; thence west on said line to the center of the Wisconsin river; thence up stream, following the center of said river to the place of beginning. All that part of the city of Merrill not heretofore described, lying north and east of the main channel of the Wisconsin river, including the island known as "Howe Island," shall constitute and be known as the Fifth ward. All the balance of the territory in said city, not hereinbefore described, shall constitute and be known as the Sixth ward.

SECTION 6. The corporate authority of said city shall be vested in one principal officer, styled the mayor, two aldermen from each ward who, with the mayor, shall be denominated the common council; and in such other officers as are here-

inafter provided for, or may be created under this act.

ELECTIONS.

Elections, when held.

SECTION 7. The annual election for city and ward officers shall be held on the first Tuesday in March of each year, at such place in each ward as the council shall designate, excepting the first election of said officers which shall be held on the first Tuesday in April, A. D. 1885. Not less than five days' notice shall be given of the time and places of holding all elections and of the officers to be elected by publication in the official city paper. The aldermen and supervisors of each ward shall be the inspectors of election for their respective wards and may appoint clerks of election for such wards. The common council of said city shall appoint the inspectors and clerks of such election for said seventh ward to be held on the first Tuesday of April, 1885, in case said seventh ward shall be established as herein provided. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers and the qualifications of voters shall be the same as at such general election, and that each elector shall reside in the city at least thirty days, and in his ward at least ten days prior to such election. In case a special election is to be held in the city other than for ward purposes, the council may order a single poll for the entire city and appoint the place where the election is to be held and the inspectors of election and clerks therefor. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

Officers to be elected.

SECTION 8. The officers to be elected by the people shall be a mayor, treasurer, assessor, two justices of the peace and three constables for the city at large, and two aldermen to be elected in each ward, and one supervisor for each ward. All of said elective officers, except justices of the peace and constables, shall be freeholders in said city.

General law to apply.

SECTION 9. The general laws of this state upon the subject of elections and prescribing punishment for illegal voting, so far as they are consistent with this charter, shall apply to all elections

held in said city. No spirituous or malt liquors shall be sold within said city upon the day of any election held therein, and any person offending against this provision of this section shall be guilty of a misdemeanor and punished by fine of fifty dollars, or by imprisonment in the county jail for sixty days, or by both such fine and imprisonment; and the city council shall have power to create and prohibit the same offense by ordinance, and to punish it by penalties not exceeding the penalty above prescribed.

Appointed officers.

SECTION 10. All necessary officers not hereinbefore named as elective officers, shall be appointed by the council. All elective officers, except justices of the peace and aldermen shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, that the council shall have power, for due cause satisfactory to it, to expel any of its own number, and to remove from office any officer or agent of the city, except justices of the peace; due notice and an opportunity for hearing having been first given to the officer proposed to be removed. Justices of the peace and aldermen shall hold their offices for two years and until their successors are elected and qualified; provided, however, that at the first charter election held in said city after the passage of this act, one of the aldermen from each ward, to be designated on the ballot, shall be elected for one year only, and one shall be elected for two years, and thereafter at each annual charter election there shall be elected one alderman from each ward to represent his ward on the common council for the term of two years. The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in March, of the year for which such officer is elected or appointed except those of superintendent of schools and school commissioner, which shall commence on the second Tuesdoy of July next succeeding their appointment, and the term of office of all other appointed officers shall expire on the second Tuesday of March next succeeding their appointment, unless sooner removed.

Vacancies, how filled.

SECTION 11. Whenever a vacancy shall occur in the office of mayor or alderman, the council may

order a new election, and shall give five days' notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Plurality of votes shall constitute an election.

SECTION 12. In all elections by the people, a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the council, at such time and in such manner as it may direct.

When an office is deemed vacant.

SECTION 13. Whenever any officer shall cease to possess the qualifications necessary for his election, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election, shall be deemed to have vacated his office.

Return of inspectors.

SECTION 14. Whenever an election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person, for each and every office, to the city clerk. Within one week after an election, the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected, of their election.

Respecting representation on county board.

SECTION 15. In case of the inability of the ward supervisor, of any ward, to act or sit on the county board, for a temporary cause, the alderman from that ward having the shortest time to serve on the council, may attend the meetings of the county board, and sit and act as a member of said county board to represent his ward until the disability of the supervisor is removed.

OFFICERS — THEIR POWERS AND DUTIES.

Officers—their powers and duties.

SECTION 16. Every person elected or appointed to any office under the city charter, except justices of the peace, shall before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer

taking the same, with the clerk of the city, and the clerk, chief of police, constable, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Merrill, a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two and not more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall, at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds, from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the council.

Duties of mayor.

SECTION 17. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time, give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot, or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he shall deem necessary. He shall have the authority to remove the chief of police for inefficiency or neglect of duty, and to appoint a chief of police in place of the one he may remove; but the term of office of a chief of police who may be appointed by the mayor, shall not commence until his nomination has been approved by a majority of the council. The mayor shall have a vote in the

council only in case of a tie, except when the council shall be engaged in the election of any officer, in which proceeding he shall have a vote the same as an alderman. When presiding over the council his style shall be, "Mr. President."

POWERS OF MAYOR.

Powers of mayor.

SECTION 18. The Mayor shall have power to veto any ordinance, act or resolution passed by the council, or the allowance of any claim by notifying the council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution, or the allowance of such claim. In case of no session of the council, on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council by giving notice in the same manner as other special meetings are called to consider such veto and objections, and in case the council shall not, within one week after receipt of such objection or such filing with the clerk, re-enact such ordinance or pass such resolution by the vote of two-thirds of all the members of the council elect, the same shall be null and void. If the mayor shall not return any ordinance, act, resolution or claim within seven days after the passage or allowance thereof, it shall take effect in the same manner as if he signed it.

President of council.

SECTION 19. At the first meeting of the council after its election, in each year, it shall proceed to elect, by ballot, one of its number president, and in the absence of the mayor, the said president shall preside over the meetings of the council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent at any meeting of the council, it shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of mayor. The president, or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled

acting mayor, and any acts performed by him shall have the same force and validity as if performed by the mayor.

DUTIES OF CLERK

Duties of clerk.

SECTION 20. There shall be a city clerk appointed by the common council who shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the council may appoint a clerk pro tem. The city clerk shall have power and authority to admininister oaths and affiamations. He shall also be the sealer of weights and measures of said city, and be governed by the general laws of the state appertaining to the sealing of weights and measures by town clerks. The city clerk shall also be the clerk of the board of education.

DUTIES OF TREASURER.

Duties of treasurer.

SECTION 21. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the council shall direct. He shall report to the council as often as is required, and annually, at least, ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties and be

subject to the same liabilities as treasurers in towns. No person, having been city treasurer for two years in succession, shall be eligible to a re-election, until one year shall have elapsed, nor shall any person, who has been city treasurer, be appointed deputy treasurer, for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed three hundred dollars per annum and shall be payable quarterly.

DUTIES OF CHIEF OF POLICE.

Duties of chief of police.

SECTION 22. The chief of police shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed or delivered, for that purpose, and when necessary, in case of the violation of any ordinance of this city, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service, but he shall receive no fees for services performed in behalf of the city. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinance of said city. He shall have the power to appoint one or more deputies to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

POWERS OF COUNCIL.

Power of the council.

SECTION 23. The council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers, as may be necessary to carry into effect the provisions of the city charter, and to prescribe their duties, and to fix the compensation of all officers appointed by it, where the compensation is not fixed by statute. The council shall, at least ten days before the annual charter election,

in each year, fix, by resolution, the salary which shall be paid to the clerk, treasurer, chief of police, assessor and school superintendent, for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, which vote shall be approved by the mayor, and the salaries of the following named officers shall not exceed the following amounts: City clerk, three hundred dollars per year; city assessor, three hundred dollars per year; chief of police, four hundred dollars per year; and city treasurer three hundred dollars per year, and shall be payable quarterly.

Official newspaper.

SECTION 24. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, which shall be the official paper of the city, in which shall be published all ordinances and other matters required by the city charter, or the by-laws or ordinances of the city, to be published in a newspaper.

Printer shall file affidavit.

SECTION 25. The city printer or printers immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the clerk of the city, a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Penalty for failure to deliver to successor.

SECTION 26. If any person having been an officer in said city, shall not, within ten days after notification and request deliver to his successor in office, all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city a sum not exceeding one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall not be interested in any job.

SECTION 27. Neither the mayor, nor any member of the common council of said city, shall be a

party to, or interested in any job or contract with the city, and any contract in which the mayor or any member of the common council may be interested, shall be null and void; and in case any money shall have been paid by, or for the city on any such contract, the city may sue for and recover the amount so paid.

OFFICERS OF THE PEACE.

Officers of the peace.

SECTION 28. The mayor, or acting mayor, sheriff of Lincoln county, and each and every member of the common council, justice of the peace, chief of police, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and, if need be, of all citizens; and if any person or bystander shall refuse to aid in maintaining the peace when so required, every such person shall pay a forfeiture of not more than fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order above mentioned in this section shall direct the proceedings.

CITY ENGINEER.

City engineer.

SECTION 29. The council may elect a city engineer and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk, and shall be open to the inspection of the public.

How actions by the city shall be brought.

SECTION 30. All actions to recover any penalty or forfeiture under the city charter, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All forfeitures and penalties collected by any justice in such cases shall be paid over to the city treasurer. Each justice shall report to the council on the second Monday in March, June, September and December in each year, a statement of all such forfeitures and penalties collected

by him, and at the same time pay over the amount thereof to the city treasurer. No person shall be incapacitated or excused from testifying in any such action by reason of being implicated in the offense or act charged; but the testimony of such witness shall, in no case, be used against himself.

RESIGNATIONS.

Resignations.

SECTION 31. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Sureties.

SECTION 32. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by the city charter provided.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council its powers and duties.

SECTION 33. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Merrill do ordain," etc. The council shall meet at such time and place as it shall fix upon. A majority of the aldermen shall constitute a quorum.

Council shall hold stated meetings.

SECTION 34. The council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of business or abode.

RULES OF COUNCIL.

Rules of council.

SECTION 35. The council shall determine the rules of its own proceedings; shall be the judge of the election and qualifications of its own members, and a less number than a quorum shall, at any regular or special meeting, have power to adjourn or compel the attendance of absent members.

CONTROL OF FINANCES.

Control of finances.

SECTION 36. The council shall have the management and control of the finances and of all the property of the city; and shall likewise, in addi-

tion to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as it shall deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions or by-laws.

LICENSES.

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, and to grant licenses and regulate groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Gaming and fraudulent devices.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the council; provided, that no license shall be issued by said council for the sale of spirituous, vinous or fermented liquors at less than the following rates: For a license to sell such liquors to be drank upon the premises or not to be drank upon the premises, and in any quantity whatsoever (meaning thereby to include both a wholesale and retail license), the sum of two hundred dollars. For a license to sell such liquors in any quantity, not to be drank upon the premises, the sum of one hundred dollars. For a license to a druggist to sell such liquors, solely

upon the prescriptions of practicing physicians, the sum of twenty-five dollars.

Riots, disturbances.

3d. To prevent any riots, noises, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and regulate the storage, safe keeping and conveying of gunpowder or other combustible materials.

Encumbering the streets.

6th. To prevent the encumbering of the streets sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, or any other materials or substance whatever.

Horse racing and immoderate driving.

7th. To prevent horse racing and immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to prevent the keeping of swine within any portion of the city, where their presence may be offensive to the inhabitants in the vicinity, or may be regarded as nuisances.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Unwholesome substance.

10th. To prevent any person from bringing, depositing, or having, within said city, any putrid carcass or other unwholesome substance; and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, putrid or unsound beef, pork, hides or skins of any kind, and on default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

11th. To regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city. License hacks, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and return of bills of mortality, and to exempt burial grounds, set apart for public use, from taxation. Boards of health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons from riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. Obstructing sidewalks.

15th. To prevent the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting fire-arms.

16th. To restrain drunkards, immoderate drinking, vulgarity or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drinking.

17th. To restrain and regulate runners and solicitors for stages, public-houses or other establishments, and to regulate the police of the city. Runners and solicitors.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from intercepting or interfering with the due observance of such rules and regulations. Public markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Butchers' stalls.

20th. To regulate the place and manner of the measuring, weighing and selling of fuel and hay and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.

21st. To compel owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite there- Removal of rubbish.

to, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Infectious diseases. 22nd. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

License of auctioneers. 23rd. To license auctioneers, peddlers, and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers, peddlers and transient dealers.

Watchmen. 24th. To appoint watchmen and prescribe their powers and duties; but the powers of watchmen, in making arrests and in taking prisoners before magistrates and committing them to jail shall be the same as those of constables.

Weights and measures. 25th. To prohibit and punish by suitable fines, penalties or forfeitures, the use of false weights or measures within said city.

Trees and monuments. 26th. To protect trees and monuments in said city.

Sewers. 27th. To provide for and regulate the construction of sewers within said city.

Alter streets. 28th. To alter or change the name of any street in said city.

Ringing of bells. 29th. To regulate and license the ringing of bells, and the crying of goods, wares and merchandise, or other commodities in the streets or vacant lots of said city.

Locomotives. 30th. To regulate the running of locomotives, engines and cars through the city.

Awning and awning posts. 31st. To regulate and control the erection of awnings and awning posts, and to provide for and control the erection and maintenance of safe and convenient hitching posts and places for fastening teams, at such points as the council may deem necessary.

Public markets. 32nd. To establish public markets and make rules and regulations for the government of the same.

33rd. To direct the location of and regulate and license breweries, tanneries and packing houses. Breweries.

SECTION 37. All ordinances shall be passed by an affirmative vote of a majority of the council, and shall be signed by the mayor, and shall be published in the official paper of the city, but no ordinance shall be in effect until ten days after its publication, and within fifteen days after such publication, they shall be recorded by the city clerk in books provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof respectively, within the time hereinbefore provided, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times such record, or a duly certified copy thereof or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be deemed and taken as *prima facie* evidence of the time and manner of such publication and of the passage of such ordinance. Ordinances, how passed.

SECTION 38. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances. Shall not bar or hinder suits.

SECTION 39. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, chief of police, and all other officers and agents of the city, at such time as it may deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the council shall require each and every such officer and agent to exhibit his book accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties in pursuance of this section, or shall neglect or Adjustment of accounts.

refuse to render his account, or present his moneys, books and vouchers to said council, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law against any officer or agent of the said city, who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

STREETS, ALLEYS, ETC.

Streets, alleys, etc.

SECTION 40. The council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in any ward shall by petition, represent to the council that it is necessary to take certain lands within the ward where such petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the ward for the purpose of constructing and repairing sewers and drains, giving the courses and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the council shall, if it deems it necessary to take or use such lands for the purpose specified in such petition, cause notice of such application to be given to the owners or occupants of such land, which notice may be served personally or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants; or if any portion of such lands shall not be in the actual occupation of any person, and such notice has not been served upon the owner, then the council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper of the city, for four successive weeks, at least once in each week.

Appointment of jurors.

SECTION 41. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice or the expi-

ration of such publication, as the case may be, application will be made to the county judge of the county of Lincoln for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county.

Further, regarding the appointment of jurors.

SECTION 42. Upon presentation of such application, and upon due proof made in the same manner as is required to make proof of service of the summons in civil actions in courts of record, of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors twelve reputable freeholders, residents of Lincoln county, possessing the qualifications of jurors of said county, but not residents of the ward in which such premises lie, nor interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them, at some time therein specified, within thirty days from the date thereof, to view such premises to be specified in said precept, and to make return under their hands to the council whether, in their judgment, it is necessary to take or use said premises for the purpose specified in said application. In selecting such jury, the same rights of challenge peremptorily for favor or for cause may be exercised by the city attorney or any other representative of the city, and by the owner of the land sought to be taken, his agent or attorney, as a party to a civil action in the circuit court, is entitled to have; and the judge or sheriff, as the case may be, shall decide the same in like manner, and replace the name of any jurors successfully challenged with the name of some other competent person, until a jury of twelve be chosen.

In case person is disqualified.

SECTION 43. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint another in his place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors shall view premises.

SECTION 44. The said jurors, having first taken the oath hereinafter provided for, shall proceed in

a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jury shall make a report.

SECTION 45. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the council within the time limited therein.

In case jury reports favorably, duty of council.

SECTION 46. Should the jurors report that it is necessary to take or use such premises, the council shall, if it approves such report, enter an order among its proceedings confirming said report and directing the same jurors to again view said premises at a specified time for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the council; provided, however, that in case of sewers and drains the said jurors need not view the premises to be benefited, or assess the benefits thereon.

In case there are buildings on land.

SECTION 47. If there should be any buildings standing, in whole or in part, upon the lands to be taken or used, the jurors, before proceeding to make their appraisements, shall first estimate and determine the whole value of the land, and secondly, the value of such buildings to remove, except in cases of sewers and drains.

Notice of determination shall be given.

SECTION 48. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in the official paper of the city, three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear on a day to be therein named, and give notice of their election to the council either to accept the

award of the jurors and allow such building to be taken, with the land appropriated, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building he shall have such time for that purpose as the council may allow.

In case the owner refuses to take the premises.

SECTION 49. If the owner refuses to take the building at the value to remove, or fails to give notice of his election, as aforesaid, within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Jurors shall view and examine the premises.

SECTION 50. The said jurors, within the time limited, shall view and examine the premises proposed to be taken or used, and all such other premises as will, in their judgment, be benefited thereby; provided, however, that in case of sewers or drains the said jurors need not examine the lands benefited. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings, if the property of the owners of such lands, as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Providing damages are greater than benefits.

SECTION 50*a*. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case

the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall, in any case, be collected of them or payable to them.

Provided lands belong to different parties.

SECTION 50*b*. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvement.

Apportionment of damages.

SECTION 50*c*. Having ascertained the damages and expenses of the proposed improvements as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefits resulting thereto from the proposed improvement as nearly as can be, and shall describe the real estate upon which their assessment may be made, and state the amount assessed upon each separate tract; provided, however, that when the lands are used only for the purpose of a sewer or a drain, the damages shall not be assessed upon the lands benefited, but shall be paid by the city as provided by law. The award of said jurors shall be signed by them and returned, together with the testimony taken, to the council within the time limited, in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

Damages awarded shall be paid prior to taking the land.

SECTION 51. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case said parties or agents cannot be found or are unknown, deposited to their credit in some safe place of deposit to be determined by the council; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds hereto-

fore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Regarding the lease of land or premises.

SECTION 52. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance, shall be taken or used by virtue of the city charter, all the covenants, contracts or liabilities relating to the same, or any part thereof shall, after the expiration of the time for appeal as herein provided, respectively cease and be absolutely discharged.

In case a part only is leased.

SECTION 53. When only part of the lot or tract of land or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrances, shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from, or on account of the same, shall be so appropriated that the part thereof justly and equitably payable for such residue, and no more, shall be paid or recoverable for, or in respect of the same.

Damages assessed on separate lot shall be paid.

SECTION 54. The damages assessed on each separate lot or tract shall be paid, or tendered, or deposited, as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case, as to any lot or tract on which they are so unpaid, shall be void. The benefits so assessed, from the expiration of the time for appeal, shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected. The amount so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

In case of infant.

SECTION 55. When any known owner of lands or tenements affected by any proceedings herein provided for, shall be an infant or labor under a disability, the judge of the circuit court of Lincoln county, or the county judge may, upon the appli-

cation of the council, or such party by his next friend, appoint a guardian for such party, and all notices required by the city charter shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall take an oath.

SECTION 56. The jurors herein provided for shall, before entering on the discharge of their duties, severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal cases.

SECTION 57. The council, or any party interested may, within twenty days from the return of the jurors to the council of the benefits and damages so assessed, appeal to the circuit court of Lincoln county from the decision of said jurors, so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct.

In case amount of damages are increased by cost.

SECTION 58. In case the total amount of damages and costs awarded by the jurors and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the council, and founded thereon, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk, under the direction of the mayor and council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be collected in the same manner. And in case such damages are not so increased, the costs of such appeal shall be taxed against the appellant and deducted from the damages recovered on such appeal.

Accurate survey shall be made.

SECTION 59. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the council shall cause an accurate survey

and profile thereof to be made and filed in the office of the city clerk.

No alley vacated unless upon three-fourths petition of the owners.

SECTION 60. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by parties interested.

Power to change name of streets.

SECTION 61. The council shall have power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietors of such plat, or any person interested therein; but no petition for such vacation shall be acted upon, unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

Only directory.

SECTION 62. All the directions given in the foregoing sections from 37 to 61 inclusive, shall be deemed only directory, and no error, irregularity or informality of any of the proceedings thereunder, not affecting substantial justice, shall in any way affect the validity of the proceedings.

STREET AND CITY IMPROVEMENTS.

Street and city improvements.

SECTION 63. Each ward in said city shall make, construct, repair, keep up and maintain all the streets within said ward, and the streets in each ward shall be under the control and supervision of the aldermen and supervisor of said ward.

Board of aldermen how constituted.

SECTION 64. The ward supervisor and the aldermen of each ward shall constitute a board of aldermen for their respective wards, any two of whom shall be a quorum to act and transact business. Said board of aldermen shall hold its meetings in the city clerk's office. The city clerk shall be the clerk of each of said boards of aldermen. No aldermen or ward supervisor shall be a party to, or (interested) in, any job or contract with the city or any of the wards except that he may act as a street commissioner for his ward but he shall receive no pay or compensation therefor, and any contract in which any alderman or ward supervisor shall be so interested shall be null and void. And in case any money shall have been paid upon any such contract, the common council may sue for and recover the amount so paid, from the par-

ties to such contract and the aldermen or ward supervisor interested therein.

Board to hold stated meetings.

SECTION 65. The board of aldermen shall hold stated meetings, the time of which shall be prescribed by the common council by ordinance or resolution. Any meeting of the board of aldermen may be called by any two thereof, by notice personally served on the other, stating the time, place and hour of the meeting, at least twenty-four hours prior to said meeting, and no meeting except the stated meetings of said board of aldermen, consisting of less than the whole number thereof, shall be a legal meeting, unless upon call and previous notice thereof has been given, as herein provided.

Estimate of street tax to be made.

SECTION 66. That the board of aldermen of each ward shall, on or before the first day of October, annually make an estimate in writing of the amount of highway or street tax necessary to keep the streets in their wards in repair for the ensuing year and lay the same before the common council at the general meeting in the month of October annually.

A ward fund to be raised by tax.

SECTION 67. The common council shall, at the time of levying the taxes in each year, levy, upon the recommendation of the board of aldermen of each ward, upon the taxable property in each ward to be collected by the city treasurer at the time of collecting taxes a highway or street tax, which shall constitute a ward fund for said ward which shall be expended under the direction of the board of aldermen of their respective wards upon the streets in their wards to keep the same in repair and may be drawn out of the city treasury upon the order of the board of aldermen.

Power to change the grade of streets.

SECTION 68. The board of aldermen shall have the power, in their respective wards, to establish, alter and change the grade of any street, sidewalk, alley or lane in their respective wards; provided the same is approved by ordinance or resolution of the common council.

Power to order the repair of sidewalks.

SECTION 69. The board of aldermen of the several wards shall have the power in their respective wards, to order the construction or repair of sidewalks on or in any public street, or along the side thereof, and cause them to be lowered or raised, and prescribe the kind and manner of construction, the grade thereof, and the foundation upon

which the same shall rest at the expense of the lot fronting or abutting on such sidewalk or through, or on which the same may, in whole or in part, run or be situated.

Power to pave streets.

SECTION 70. The board of aldermen shall also, in their respective wards, have power and authority to grade, gravel, plank or pave with any kind of pavement, or construct or fix with any kind of material, any street or alley in their respective wards, and construct and dig all necessary ditches or gutters, and charge the cost and expense thereof to the center of the street or alley to any lot or lots fronting or abutting on such street or alley, when such improvement is ordered by the common council, after the following requirements, viz.: When the proposition for such improvement shall be approved or recommended by a majority of the board of aldermen of the ward or wards in which it is proposed to be made, and presented at a regular meeting of the common council, and the same shall be approved or ordered at some subsequent regular meeting thereof by the common council, which proposition may be in general terms, and the council may change, alter, modify or fix the same, or the terms thereof, or when the same is ordered by the common council, which it shall have power to do upon the petition of the owners of a majority of the frontage of the land fronting or abutting upon such part or parts of any such street or alley, which it is proposed so to improve at the expense of such lots, or when streets on the dividing line between wards, or extending into or through two or more wards, and the board of aldermen of said wards cannot agree thereon; provided, however, that no action by the council shall be taken under the last provision, if the boards of aldermen of both wards are opposed to it; provided, that the aldermen of any ward shall grade, dig all necessary gutters or ditches on any street in their respective wards at the expense of such ward, for the purpose of graveling, planking or paving such street, at the expense of the lot or lots fronting or abutting such improvements.

Mode of proceeding defined.

SECTION 71. When any such improvement shall be made at the expense of the lots, as provided by sections 69 and 70 of this act, the following shall be substantially the mode of proceedings: 1st. The board of aldermen of the ward or wards

in which the improvement is proposed to be made shall file in the city clerk's office, or cause to be entered in a record book in said office, a plan or specification of the work to be done, which shall not be required to be more specific than is necessary to inform parties interested of the work to be done; and such plan and specification may refer to any mark, stakes, stones, or other monuments, and which may be made a part thereof. 2nd. By personally serving upon the owner or owners of such lots, or in lieu thereof, publishing in the official paper of said city, at least ten days before such work is required to be done or improvement made, a notice signed by the clerk officially, requiring the owner or owners of such lots to do such work or make such improvement as per such plans and specifications by a day certain therein to be named, and may also insert in the same notice that on a day therein to be named, to be not less than six days from the last date, that the board of aldermen of said ward will let the contract to do all such work or make such improvements as shall not have been done or made, as so required or ordered, and that sealed proposals will be received accordingly. Such notice, served or published, need not specify the lots or blocks of land by numbers, figures, letters, or by metes and bounds, but may specify that all the lots or parts of lots, parcels or strips of land, fronting or abutting on such street or alley upon a particular side thereof between certain points. The board of aldermen may reject any bid if they think it is not for the interest of the ward and parties interested.

Board may contract for work if no satisfactory bid be made.

SECTION 72. If no satisfactory bid or bids are received to do such work or make such improvements, then the board of aldermen may contract with some person to do the whole or any part thereof, or such board of aldermen for their ward may do such work in whole or in part, all the cost or expense thereof chargeable to such lots and lands as aforesaid, and as herein provided. The board of aldermen may require any bidder instanter to give a satisfactory bond with satisfactory surety, for the faithful performance of the contract on his part. In letting any such work or improvements, different kinds of work may be

let to different persons, or the material required may be let separately from the work.

Sewers, etc. to be made at expense of lots.

SECTION 73. Sewers, drains, gutters or ditches may be ordered, dug, made or repaired, by the board of aldermen in their respective wards, at the cost, charge and expense of the lots which they may deem benefited thereby, and they shall apportion such cost, charges and expenses among and on such lots, in such proportion or amount as they respectively shall deem the same benefited thereby; provided that no portion thereof shall be assessed upon any land outside of the ward of the board of aldermen ordering the same. Such work or improvement may be done by the ward or let out by contract to some third party.

When sewers run through different wards.

SECTION 74. Whenever a sewer or drain is to be so built or repaired, which runs in more than one ward, or one which it is proposed to charge the cost of construction upon lots situated in more than one ward, or when it is proposed to so improve a street or establish the grade of a street which is located in different wards, then the same shall be done in the same manner under the order and directions of the board of aldermen of the wards in which any lots are situated that are so assessed or charged therefor, or in which grade of street is established, but is hereby understood that the above refers to the board of aldermen of the wards only in which such lots to be so charged the part or parts of the street so to be so graded or so improved, are situated; provided, however, in such case, it shall require a majority of the board of aldermen of each of such wards to act, and in such cases all orders, entries and proceedings may be made or kept in the ward book of either of such wards, or in any separate book that the clerk may provide.

In case board of aldermen cannot agree.

SECTION 75. When a sewer or drain is needed running in or through different wards, the board of aldermen of the wards cannot agree to order its construction or cannot agree upon the amount that should be paid by each ward in the construction of the same, or when a street needs grading or other repairs upon it, that is the dividing line between wards or extending into or through two or more wards, and the board of aldermen of said wards cannot agree upon the grade, or when either of the boards of aldermen shall refuse or

neglect to work and grade that portion thereof belonging to said ward, the other board of aldermen having graded, made and worked their portion thereof, then it shall be the duty of the common council, by ordinance, in case the council deem it advisable to construct the same, to order such construction, and to apportion the cost between the different wards, which said cost shall be paid, either out of the ward fund, or by assessment on lots, as hereinafter stated. Or, when a street, sewer or drain is needed, running in or through different wards, and the board of aldermen of the wards cannot agree to order its construction, the same may be ordered by the council; and when, in the construction of any street, sewer or drain, the cost of which is assessable or chargeable upon property in different wards, and the board of aldermen cannot agree upon such assessment, then such assessment may be made by the council.

Money raised to be used for ward purposes only.

SECTION 76. The money raised in each ward for ward purposes shall be appropriated and used for such purposes only.

Common council may order construction by ordinance.

SECTION 77. When a street, sewer or drain is needed, running wholly in one ward, and the aldermen of that ward cannot agree, and do not determine to construct the same, the common council may, by ordinance, order the construction of the same, and order the cost of the same to be charged to the ward fund of the ward in which the same is built, or may order the same to be constructed, and the cost of the same to be paid by assessment on lots in the manner herein provided.

Sidewalks across an alley, how built and paid for.

SECTION 78. A sidewalk across an alley and passage-way into the street shall be built at the expense of the lots abutting such alley, to be apportioned thereon, or such portion thereof, and in such proportions by the board of aldermen, as it shall deem the same respectively benefited.

Lots to be liable.

SECTION 79. Lots shall be liable, as in this act provided, for the improvement of the streets to the center of the street on which they abut or join, and corner lots for all sidewalks up to the crossings or cross-walks.

What wards shall keep in repair.

SECTION 80. The ward shall construct and keep in repair all cross-walks, drains or sewers across the street, from sidewalk to sidewalk, or on that

portion used for a public street, exclusive of what is used or may be wanted for sidewalks, and also that portion of the street lying between the crossing where streets intersect.

Certificate to be given to contractor by board.

SECTION 81. When work is done or improvement made which, under this act, is chargeable to the lots as aforesaid, the board of aldermen, or the common council in such cases as the common council are empowered to act, shall give to the contractor or person doing or performing the same, or his assigns, a certificate, countersigned by the clerk, for the amount due him and containing a description of the land to which the same is chargeable, which certificate shall be transferable by endorsement, and shall draw interest (provided the same is not paid within twenty days from date), until the same is inserted in the tax roll, as hereinafter provided; and if the amount thereof and interest shall not be paid before the clerk makes out the annual tax roll next after the date of its issue, the clerk shall insert and assess the amount thereof with interest as aforesaid to the time of its being so inserted in the tax roll upon and against the lot or parcel of land described therein in such tax roll, and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments for the benefit of the holders of such certificates respectively; and when any such work is done or improvement made by the ward or wards the same shall be inserted in the tax roll and collected in like manner; provided, however, that in no case shall the city be liable for the amount of such certificate or any part thereof, unless the same has been actually paid into the city treasury; and the sale of such land therefor shall not be regarded payment, and the same shall not be regarded as paid, until the parties interested shall have actually redeemed such lots from such sale.

Cost may be apportioned on the lots benefitted.

SECTION 82. When, in grading any street, the cost of cutting or filling in front of any lot shall be, in the opinion of the board of aldermen of the ward in which the same is done, or by the common council in such cases as the common council shall be obliged to act by reason of failure or negligence of the board of aldermen to act, greater than such lot is benefited, the board of aldermen

or common council may apportion a portion of such cost among and on such lots, and in such proportion or amount as it may deem to be benefited thereby, as is herein provided for the building of sewers, and upon property in different wards in like cases as is provided in the construction of sewers.

In case there is deep cutting, who shall pay for same.

SECTION 83. When in the construction of any street, drain or sewer, if from deep cutting, digging or filling, or any cause or reason, the board of aldermen or the common council, in such cases as the common council are empowered to act, are of the opinion that the same, in whole or part, should be paid out of the ward or wards' fund, then the same may so, in whole or in part, be paid.

Cleaning sidewalks.

SECTION 84. All sidewalks shall be kept in repair, and clear and free from all obstructions, at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof; and in case the owner or occupant shall fail to keep such sidewalk in repair, and clear and free as aforesaid, the board of aldermen of the ward may cause the same to be done and charge the expense thereof to such lot respectively; provided, however, that no sidewalk shall be so repaired at the expense of the lot, when the cost of such repair shall exceed one-half of the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk; provided, however, that if a sidewalk on or in front of any lot shall become injured or destroyed by the burning of any building or property, and the same shall not, within a reasonable time, be repaired or rebuilt by the owner of such lot, the board of aldermen may repair or rebuild such sidewalk at the expense of the lot, without notice or letting to the lowest bidder.

Stagnant water on lots.

SECTION 85. When the board of aldermen of any ward shall deem any lot injurious to public health, by reason of stagnant water, or from other causes, it may order that such nuisance be abated by draining or filling such lot, or in any other manner, by the owner or occupant; and upon their failure to do so, such board of aldermen may abate or cause to be abated at the expense of such

lot, by taking the same proceedings as are required for the building of a sidewalk.

Lien on lots for improvements.

SECTION 86. When a ward or wards or the city shall do any work or make any such improvement or make any repairs, or do any other work or labor as provided in this act, which shall be a lien or charge upon any lot, a like certificate as is provided to be issued to contractors or other persons, may be issued to such ward or wards or city, and be collectible in the same manner; or the board of aldermen of the ward or wards which are entitled to the same, or the city in such cases as the common council are empowered to act may make a statement or statements and file the same with the city clerk, of the amount or amounts due to such ward or wards or city, for doing any such work or labor, or making any such improvement, and the amount chargeable to each lot, which amount the clerk shall insert and add to the tax chargeable to such lot in the annual tax roll issued, next after the filing of such statement, and the same shall be a lien thereon and collectible as other taxes.

Removal of ice and snow.

SECTION 87. Whenever the board of aldermen of any ward shall deem it necessary to remove the snow or ice in front of any lot or piece of land in said city, and the owner or occupant shall neglect to remove the same, the board of aldermen of the ward may remove, or cause such snow and ice to be removed, and charge the same to the lot the same as in cases of repairs of sidewalks, which said charge shall be collected by taking the same proceedings against such lot as are required for the building or repairing of sidewalks.

In case lots are not assessed.

SECTION 88. If for any cause any tax or assessment, chargeable to any lot under the provisions of this act, shall not be entered or assessed against such lot at the time therein provided, then the city clerk may enter or assess the same against such lot in any subsequent tax roll.

Orders of board of aldermen may be revoked.

SECTION 89. An order made by the board of aldermen of any ward or wards, fixing or changing the grade of any street, may be revoked, altered, changed or modified by the council. Any order made by the board of aldermen of any ward or wards, changing or fixing the grade of any sidewalk or directing the building of any new side-

walk, may be revoked, altered, changed or modified by the common council.

Books to be kept by clerk for all orders, etc.

SECTION 90. There may be kept in the city clerk's office a book or books for each ward, wherein may be entered by the clerk or board of aldermen of the respective wards, all orders, entries or proceedings required to be done or had under any of the provisions of this act or any other matter appertaining thereto, or to ward matters, and a like book may be kept for the entry of all proceedings and orders, when anything is done by different wards together, as herein provided, in doing any work or making any improvements of any kind, and there may be entered in such book or books any fact or item appertaining to such proceedings, and as to the service or publication of any notice required by law to be served, given or published, and that any act was done by the board of aldermen or clerk in making any improvement, and that a notice was served, given or published, as required by law in certain proceedings, or to carry out any order or requirement on the part of the board of aldermen without stating the contents of such notice, and in addition thereto may be entered that due proof of the service of publication of any notice has been made and filed in his office, or there may be pasted in or attached to such book a written or printed, or partly written and partly printed, copy of any notice or proceeding, which shall be admitted in evidence in all courts the same as the original would be entitled to be; and there may also be entered in such book such other matter as may properly appertain to any ward matters. It shall not be necessary for the aldermen to sign any order, memorandum or other entry in any such book, or in lieu thereof, any such orders or proceedings may be signed by the board of aldermen of the respective wards and filed in the city clerk's office, and such book or books, or any of them, shall be received and admitted in evidence in all courts in any proceedings whatever, and shall be *prima facie* evidence and proof of all entries, memoranda, facts, items and matters and things therein contained, and the said orders and proceedings shall be received in evidence in like manner and with like effect.

SECTION 91. Any and all certificates made by

the board of aldermen of any ward or wards of any act done or notice given, served or published under the provisions of this act shall be received and admitted in evidence in all courts of this state, and shall be *prima facie* evidence of all the facts therein contained, and that such acts were done and proceedings had, and such notice served or published as therein certified to. And all proceedings had under the provisions of this act or attempted to be had under the same shall in all courts be deemed, presumed and taken to have been regular, and it shall be taken and presumed that all the provisions of this act were complied with, until the contrary is shown.

Certificates to be secured in evidence.

SECTION 92. If any taxes or assessments chargeable to any lot, under any of the provisions of this act in any suit shall be adjudged void, in whole or in part, for any irregularity in the proceedings, or non-compliance with any of the provisions thereof, the court in which said case was tried shall, any time within one year after such judgment, upon the application of the owner of such tax and assessment and a defendant in such suit, cause an issue to be made up between such owner and defendant and the plaintiff, wherein such plaintiff shall be defendant, and such owner and defendant, plaintiff, as to the value of such improvements, and whether the same were made in good faith, and if the jury find that such improvements were made in good faith, the court shall judge the value thereof as found by the jury to be a lien upon such lot, with costs of suit on such issue, and execution may issue on such judgment, directing the sale of such lot, to pay the same and costs of sale, and the same shall be sold as other real estate is sold on execution. At any time within eight months after such sale, a redemption can be made therefrom, as on the sale of real estate upon other execution, by the payment of the amount for which it was sold, together with ten per cent interest thereon from time of sale.

Issue shall be made up and tried for irregularity in tax assessment.

SECTION 93. When any taxes or assessments chargeable to any lot, under any of the provisions of this act, shall be set aside or declared void, in whole or in part, by any court, by reason of any irregularity in any of the proceedings, or the non-compliance with any of the provisions of this act, or of the charter of said city, or in ordering or letting the work or

Proceedings in case assessments are set aside.

making contracts in relation thereto, the city council, at any time within two years after the same are declared void, at the request of any party interested in said tax or assessment may order such tax or assessment so declared void, to be recharged or assessed against said lots respectively, and collect the same as any other taxes or assessments; provided, however, if the party avail himself of the remedy to penalty, provided by the preceding section, he shall be deemed to have waived his remedy under this section.

Damages occasioned by defective sidewalks chargeable to ward.

SECTION 94. If the city shall be subjected to any damages hereafter occasioned, in consequence of any sidewalk or street being out of repair or not in safe condition, such ward in which said defective street or sidewalk is situated shall be liable to the city for all damages, costs and expenses which such city shall be subjected to, and such damages, costs and expenses may be assessed by the common council upon the taxable property of the ward in which such defective sidewalk or street is located, and collected the same as other city taxes. If any ward shall be subjected to any tax in consequence of any damages done or permitted by the occupant of any lot to any sidewalk or street on which it abuts or fronts, occasioned by digging in the street, driving over the sidewalk or by permitting snow to accumulate on the walk, such occupant shall be liable to such ward for all damages, costs, expenses and taxes which such ward shall be subjected to, and such damages, costs, expenses and taxes may be recovered by such ward in a court of competent jurisdiction, by a suit in the name of the city of Merrill, and against such occupant.

Real estate liable for taxes and assessments.

SECTION 95. All real estate shall be liable for the taxes and assessments provided for and authorized to be assessed in this act, in manner and form aforesaid.

Provisions regarded only as directory.

SECTION 96. All the provisions of this act, from sections 68 and 102, both inclusive, shall be regarded as directory, except the provision of giving notice as aforesaid, and if such notice is given as herein required, no informality or irregularity or error in the proceedings shall vitiate such assessment of taxes.

City not liable for defective sidewalks.

SECTION 97. The city shall not be liable to or for any damages, arising or growing out of any

sidewalks, streets, drains, sewers, gutters or ditches, or bridges in said city, being in a defective or dangerous condition, or out of repair, unless it be shown that previous to the happening of the same, one of the board of aldermen, of the ward in which the same is located, had knowledge thereof, and no knowledge of such condition of the same shall be presumed, unless the defect out of which the same occurred, existed three weeks before such damages accrued; provided, however, that nothing herein contained, shall be so construed as to mean that knowledge is to be presumed because such three weeks had elapsed.

Defining the words, lot, alley and board of aldermen.

SECTION 98. Whenever the word, lot, or lots, is used, it shall be deemed to include parts of lots, parcels and strips of land, or any other subdivision of land; and where the word, alley, is used, it shall be deemed to include all lanes; and where the word, street, is used, it shall be deemed to include highways; and whenever the words, board of aldermen, is used in connection with any ward matter, it shall be understood to mean a majority of the board of aldermen of the ward; and all the provisions of the revised statutes relative "of the construction of statutes," shall apply to all the provisions of this act.

Order, resolution or ordinance required.

SECTION 99. Anything required to be done under any of the provisions of this act, by the common council, may be by order, resolution or ordinance.

Graveled paved or planked streets to be kept in repair by ward in which such street is located.

SECTION 100. All streets heretofore or hereafter, once graveled, paved or planked at the expense of the property fronting, adjoining or abutting thereon, such street, so far as the same has been graveled, paved or planked, except (sidewalks), at the expense of the property on the street, to be so maintained and kept in order, at the expense of the ward such street or streets are located in. All the taxes therefor, made necessary to be levied and collected the same as ward taxes upon the taxable property of the ward in which such street is located, anything in this chapter or charter to the contrary, notwithstanding.

All contracts shall be executed in the name of the city of Merrill.

SECTION 101. All written contracts to be made under sections 68 to 102, both inclusive, of this act, shall be executed in the name of the city of Merrill, and signed by the board of aldermen or a majority of the board of aldermen of the

ward in which the work or improvement is situated, or by the mayor and city clerk when the common council is empowered and obliged to interfere and act, and let the contracts as herein provided, of the one part and signed by the contractor of the other part. All verbal contracts to be executed in like manner in the name of the city, and all bonds which may be required of contractors to secure the performance of such contracts shall be made and executed to the city.

Certificates issued under this act to be received by county treasurer.

SECTION 102. The certificates issued under this act on the property therein described in such certificate for work or improvement shall be received by the county treasurer of Lincoln county, on sale of land for unpaid or delinquent taxes for the same year and tax named in the street improvement certificates for the land therein described, and to be held by the county until the land is redeemed; and in case the improvement tax should be set aside, or the tax certificate of sale issued by the county treasurer canceled by judgment of court or otherwise, then the holder or legal representative of such certificate of sale issued by the county treasurer, shall receive the street improvement certificate (so received by the county treasurer) from the county, for its face in payment for any claim against the county, for the amount of such tax and charges named in the street improvement certificate, for which the land was sold.

Prisoners may be used in doing public work.

SECTION 103. The council may, with the consent of the sheriff or of the board of supervisors of Lincoln county, use such labor of prisoners under sentence in jail, as the sheriff will furnish, in doing any public work in any part of the city.

Council may require owners of lots to set out shade trees.

SECTION 104. The council shall have power to require the owner of any lot or grounds in said city, to set out ornamental or shade trees, in the street in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds, to pay the expense of the same. It shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them, when they have died or been so injured as to fail to answer the purpose for which they were set out, and to

prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal where they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to proper proportions and to do all other needful acts, as to them may seem just and proper, to give this section proper effect.

Funds controlled by council.

SECTION 105. All funds in the city treasury, except school, state, county and ward funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof; and no money shall be paid out of the city treasury except upon the order of the mayor, countersigned by the city clerk.

No debt shall be contracted or order drawn except by authority of council.

SECTION 106. No debt shall be contracted against the city, or order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by the city charter.

Money received for licenses to be paid into city treasury.

SECTION 107. All forfeitures and penalties accruing to the city for a violation of the city charter, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by the city charter. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of three-fourths of all members of the common council.

Property subject to taxation.

SECTION 108. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under

the city charter shall have and possess the same powers, and perform the same duties, as are, or may hereafter be, conferred upon and required of assessors of towns; provided, however, that the council may prescribe the form of assessment roll, and more fully define the duties of the assessors.

Board of supervisors may regard city of Merrill as a town.

SECTION 109. The county board of supervisors shall have the right to regard the city of Merrill as a town in equalizing the assessment roll of the several towns in Lincoln county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Supervisors may levy tax.

SECTION 110. The said board of supervisors may levy a tax or taxes, as now is, or may hereafter be authorized by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law, in relation to town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Duties of city clerk.

SECTION 111. Upon receiving the statement of the amount of taxes so levied the city clerk shall, upon a uniform percentage, compute and carry out upon said assessment roll, or a copy thereof, in one item, opposite to each valuation in said assessment roll, the amount required to be raised upon such valuation to make the whole amount of taxes so certified, together with such city and other local taxes as are to be levied uniformly upon all the taxable property in the city, except that the amounts for streets and highways, raised for each ward, shall be levied uniformly upon all the taxable property in the ward and carried out in a separate column in said assessment roll, and all other taxes, if any, shall be entered in separate columns, opposite the valuation of the property, to be charged in a separate column, under the head of "taxes unpaid for previous year." The city clerk shall enter opposite each tract of land so returned to him by the county clerk, the year for which such tax remains unpaid. The city clerk shall enter upon said roll a general statement showing the several amounts of taxes levied on

the city or any part thereof, and for what purpose. Said roll, when so completed, shall be the tax roll of the city of Merrill, and shall be preserved by said clerk as a record in his office.

Prima facie evidence.

SECTION 112. The tax roll made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of the officers to the completion of the tax roll inclusive, has been done regularly, correctly and as required by law.

Further duties of clerk.

SECTION 113. Immediately after making out the tax roll aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with a corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax roll, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax roll preserved in his office.

Duties of city treasurer.

SECTION 114. The city treasurer, upon the receipt of such duplicate tax roll, shall proceed to collect the same in like manner, and shall have like power, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise herein provided. All taxes may be paid to the treasurer before the tenth day of January, in each year, without any addition thereto for treasurer's fees. To the taxes paid after the tenth day of January, three per cent. treasurer's fees shall be added, which fees, when collected, shall be paid into the treasury of the city for the beneft of the general fund.

Further duties of treasurer.

SECTION 115. The said treasurer shall make out and return to the treasurer of Lincoln county, at the time required by law, in the case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, by the same time make

out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or required by law upon delinquent returns from the several towns.

Duties of county treasurer.

SECTION 116. The county treasurer shall sell all delinquent lands and lots returned from the city of Merrill, at the same time and in the same manner as other delinquent lands are sold in the county.

Real estate subject to taxation.

SECTION 117. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement in streets in front of the same.

Directions given for assessing lands and levying taxes shall be deemed only directory.

SECTION 118. All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Special tax may be levied when recommended by council and approved by the people.

SECTION 119. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the council and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Treasurer may receive city or county orders in payment of city and county taxes.

SECTION 120. The city treasurer shall receive city orders for city tax, and county orders for county tax, but on no other account whatever shall the said treasurer receive as payment anything but coin, coin certificates, treasury notes and national currency.

Council to provide for prompt payment of orders drawn on the city treasury.

SECTION 121. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the

legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury.

Duty of treasurer when unable to pay any order.

SECTION 122. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council.

Council to meet previous to the charter election.

SECTION 123. The council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, prior to the second Tuesday of March following, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their term.

Regarding surplus money and ward funds.

SECTION 124. All surplus moneys in the city treasury not belonging to the school, and ward funds, may, by direction of the council, be temporarily used for the purpose of paying orders drawn on any other funds, but all funds so used shall be replaced.

Special tax may be levied to build bridge.

SECTION 125. A special tax, not exceeding three thousand dollars in any one year, may be levied by the council, whenever it shall appear necessary, for the building or repairing of bridges, or for any other necessary purpose, which taxes shall be collected as other taxes. Whenever the council shall recommend the issue of bonds, for any lawful purpose, and the people shall vote to issue such bonds, the same may be issued; provided, such bonds shall not draw a greater rate of interest than seven per cent., and shall not be negotiated for less than their face value.

Council to prescribe the limits within which wooden buildings may be erected.

SECTION 126. The council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall be erected, repaired or moved, and to direct that all and any buildings, within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within said fire limits, to, or on, any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe

the manner of ascertaining such damages. The council shall have no power to authorize wooden buildings to be moved into the fire limits, or from one point within the fire limits, to another point within the fire limits.

Precaution for preventing fires.

SECTION 127. The council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time, as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, supervisors, fire-wardens and other officers of the city, to keep away from the vicinity of a fire, all idle and suspected persons; to compel bystanders to aid in the extinguishment of fire, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires and the protection of property at fires, as it may deem expedient, and enforce the foregoing provisions and the ordinances by suitable penalties.

May purchase fire-engine and form fire-companies.

SECTION 128. The council shall have power to authorize the formation of fire-engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and prohibit their meetings as such, when disbanded; which companies shall be officered and governed by their own by-laws; provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member in good standing of any such company shall be exempt from serving on juries and from poll tax, and from military duty except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, or bucket

and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Raise tax for fire purposes.

SECTION 129. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council for fire purposes.

Construct reservoirs.

SECTION 130. The council is hereby authorized and empowered to construct reservoirs throughout the city, and provide means for filling the same.

SUPERINTENDENT OF SCHOOLS.

Elect superintendent of schools.

SECTION 131. The common council shall annually on or before the first Tuesday of July, elect a superintendent of schools; the salary of said superintendent shall be fixed by the common council before his election and shall not be changed during his term of office, and he shall not be a teacher employed in any of the schools of the city, or be employed as a teacher in any of said schools during his term of office. He shall be the president of the board of education. He shall visit the schools at least once a month, and as often as his duties may require, and he shall pay special attention to the interests of the schools and the classification of the pupils therein. He shall carefully observe the teaching and discipline of all teachers employed in the public schools and report to the board of education whenever any teacher is found deficient or incompetent in the discharge of his or her duties. He shall attend all meetings of the board of education and shall keep the board constantly informed of the condition of the public schools and the changes to be required in the same, and shall do and perform such other duties as are prescribed by this act and as the board of education shall require, but he shall have no vote on said board of education except in case of a tie vote.

SCHOOLS.

School district designated.

SECTION 132. All the district of country within the corporate limits of the city of Merrill shall be known and designated as school district number one of the city of Merrill, for all purposes.

Elect four school commissioners.

SECTION 133. The common council shall annually on or before the first Tuesday of July, elect four commissioners of schools from the city at large, two from the east side and two from the west side, who shall hold their offices for one year from the first Tuesday of July and until their successors are elected, and the council, in case any vacancy occurs in said office, shall elect a school commissioner to fill such vacancy who shall hold said office for the unexpired term for which he was elected to fill and no longer.

Woman eligible to hold office.

SECTION 134. Every woman, of the age of twenty-one years and upwards, residing in the city shall be eligible to the office of superintendent of schools and to the board of education.

School commissioners and superintendent shall constitute "board of education."

SECTION 135. The said school commissioners so appointed in conjunction with the superintendent of schools of said city of Merrill, shall constitute a board to be styled, "The board of education of the city of Merrill." Said board shall hold their meetings at the city clerk's office or the council rooms and the board shall hold stated meetings, the time thereof to be fixed by the board and their meetings may be held on call of a majority of the board, notice of which shall be given by the clerk, served on all the members thereof at least twenty-four hours prior to the time of holding the same, and said notice shall state the day, hour and place of the meeting, and a majority thereof shall constitute a quorum for the transaction of business. The superintendent of schools shall be the president, and whenever he shall be absent, a president pro tem. may be appointed. The said commissioners shall not receive any compensation for their services.

Duties of clerk of said board.

SECTION 136. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts and places as *prima facie* evidence of the facts therein set forth, and such

records and all books and accounts of said board, shall, at all times, be subject to the inspection of the council and of any committee thereof.

Further duties of clerk.

SECTION 137. The clerk of said board shall in each year, and at the time and in the manner now and hereafter to be required of town clerks, make and transmit to the state superintendent, a report in writing, which report shall be such as is now, or may hereafter be required by law to be made annually by town clerks and transmitted to county superintendents. He shall also make and submit to the council at least ten days before the annual election in each year, a report showing the recepts and expenditures by the board, since the report made to the council at its first meeting in July. Such account need only show the gross amount of receipts from each of the various sources, and gross amount of expenditures for each of the various purposes required to be reported. Such report shall include salaries of teachers, and all other expenses up to the second Tuesday in March following, and all salaries or bills that will be due at that time, may be made before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the report shall state the amount, more or less, and the report shall also state whether, and if any, how much more or less than estimated in July and October, will be needed for the entire school year, ending in June.

Protection and preservation of school-houses.

SECTION 138. The council of said city shall have power to pass such ordinances and regulations, as the board of education may report as necessary and proper for the protection and safekeeping, care and preservation of school-houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council, under the city charter, are collected.

Regarding the title of school-houses and appurtenances.

SECTION 139. The title of the school-houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be

vested in the city of Merrill, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the schools of said city, whether the same shall be transferred in terms to said city, by its proper style, or by any other designation, or to any person or persons, or body, for the use of said schools.

City treasurer shall demand from county treasurer money for school purposes.

SECTION 140. The treasurer of the city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of Lincoln county, all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said moneys without delay or set-off, taking his receipts as such city treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city. A statement of all school moneys so received shall forthwith be reported to the city superintendent of schools, by said treasurer.

SECTION 141. The said board of education shall have power and it shall be its duty:

Establish schools.

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient, and to alter and discontinue the same.

Custodian of school houses, etc.

2d. To have the custody and safe keeping of the school-houses, out-houses, books, furniture and appendages, and to see that the ordinances and regulations of the council in relation thereto are observed.

Employ teachers.

3d. To contract with and employ in behalf of the city, all teachers in such public schools of the city, who may be duly licensed to teach.

Supervise and manage all schools.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time adopt, alter, modify and repeal as they may deem expedient, rules and regulations for their organization,

government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

5th. Whenever, in the opinion of said board, it may be advisable to sell any of the school-houses, lots or sites, or any of such school property belonging to the city, to report the same to the council. Dispose of school-houses.

6th. To prepare and report to the council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school-houses, lots, sites and appurtenances, and all the property belonging to the city, connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the council at its first meeting in October of each year, the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein mentioned, and the reason therefor. Report to council.

7th. In the name of the city of Merrill to contract for the repairs of school-houses and their appurtenances. Repair school-houses.

SECTION 142. The council of the said city of Merrill shall have power to annually levy and collect a school tax, not exceeding one per cent., on all real and personal property of said city, to meet the expenses of erecting and repairing school-houses, purchasing or hiring sites for school-houses, and supporting and maintaining schools. Levy school tax.

SECTION 143. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and orders therefor shall be drawn on the city treasurer by the mayor and countersigned by the clerk. The mayor shall draw orders on the city treasurer for salary of teachers and janitors, upon the request of the board of education, and the city clerk shall countersign such salary orders, and for all things necessary or proper for the support and maintenance of schools in said city, and generally to have the entire and exclusive supervision and control of all property belonging to said city, used for said purposes. The board of education shall have the power, by and with the consent of the council of Duties of board of education.

said city, to erect, construct, hire and purchase buildings suitable for school-houses, buy and lease sites for school-houses, with the necessary grounds, and to furnish the school-houses in said city with the necessary fixtures, furniture and apparatus. No greater amount shall be expended by the board of education in any year, under the provisions of this section, than shall be appropriated by the council for school purposes during such year; provided, however, that the repairs for school-houses, and the appurtenances herein mentioned, shall be construed to mean only such incidental and temporary repairs as are necessary to keep the school-houses and appurtenances in needed and suitable repair and condition, suitable for occupancy by the schools; and all moneys received by, or raised in the city of Merrill, for school purposes, shall be disbursed by the treasurer of said city upon the said orders of the mayor, countersigned by the city clerk, and in no other manner.

Further duties of board of education.

SECTION 144. The said board of education shall have power to permit the children of persons not residents of said city, to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall, by resolution, prescribe, fixing the tuition which shall be paid therefor. Permits to so enter the schools shall be issued by the city superintendent, but no such permits shall be issued which will interfere with the proper intruction of resident pupils. He shall report his action under this section to the board of education as often as may be required, and he shall not issue any greater number of permits than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by such non-resident pupil, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer, that the amount specified in such permit has been paid to him. At the end of each term, and at such other times as may be required by the board, every teacher who has admitted to the school under his charge any non-resident pupil under the superintendent's permit, shall return to the board of education the permit under which the pupil was admitted. All moneys so received for tuition

shall become a part of the school fund of said city. It shall be the duty of the board of education to report to the council, at its first meeting in the month of July of each year, the condition of the several schools of said city, and the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since the previous, report, and the estimated cost thereof to the time of their next succeeding report, as in this section required, specifying the items thereof under their appropriate heads, together with such other matters as they may deem proper, or the council may require; provided, that nothing in this act contained shall be deemed to authorize said board of education, or the council, or both, to appropriate, contract or expend for school purposes, in any one year, any greater sum than is provided for in this charter, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, penalties and tuition moneys ar may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

Council may borrow money.

SECTION 145. The council of the city of Merrill, on the application of the board of education, may borrow money for the erection and completion of school-houses in said city, not exceeding in amount the sum of five thousand dollars and may issue the bonds of said city for the payment of the same, bearing an interest not exceeding seven per cent. per annum, payable annually or semi-annually and becoming due within ten years or less, as the council may by ordinance prescribe. In case said bonds are issued, the council of said city shall annually levy and collect a tax on the taxable property of said city, as other taxes are levied and collected sufficient to pay the interest and principal of said bonds as the same may become due; and the money thus raised shall be applied to the purpose for which it was raised and no other; provided, however, that no bonds issued in pursuance to this section shall be sold for less than their par value.

MISCELLANEOUS PROVISIONS.

Regarding credit of city.

SECTION 146. The credit of the city shall never be given or loaned in aid of any individual, association or corporation, except as provided by the general laws of this state.

Limit of taxes to be levied.

SECTION 147. No tax for general city purposes shall be levied in any year exceeding two per cent. of the assessed valuation of property in the city in that year.

Power to contract debt limited.

SECTION 148. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, which shall commence on the first day of December of each year, except as otherwise herein provided.

Work for city to be let by contract.

SECTION 149. All work for the city or wards which shall be estimated by the council or board of aldermen or the proper officer of the city or wards to exceed one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract, and the city printing shall be let by the year to the lowest responsible bidder; provided that said city shall never pay for publishing proceedings of the common council.

Regarding extra compensation.

SECTION 150. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any member of the common council, for their services.

Council shall settle claims and demands against city.

SECTION 151. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens, at least three days before the charter election in each year.

Respecting the violation of city charter.

SECTION 152. In all prosecutions for any violation of any of the provisions of the city charter, for any by-law or ordinance, the first process shall be by a summons, unless oath be made for a warrant, as in other cases.

Form of prosecution.

SECTION 153. All prosecutions for any violation of any of the provisions of the city charter, or any by-law or ordinance, or for the recovery of any penalty prescribed in said charter or any by-law

or ordinance, shall be by civil action and shall be brought in the name of the city of Merrill, and may be brought before any justice of the peace of the county, and the first process shall be by a summons, and the form thereof shall be substantially that prescribed for use in justice court by the statutes of Wisconsin, unless complaint on oath be made, in which case the first process shall be by a civil warrant, and the form thereof shall be substantially that prescribed by the statutes of Wisconsin for use in justices' court. The rules of practice and pleadings in civil actions in justices' court under the statutes of Wisconsin, shall apply to all such actions, and either party may appeal in the same manner as appeals in justices' courts are made and perfected under the statutes of Wisconsin.

Penalty.

SECTION 154. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in any such action, in case no goods or chattels, whereof the judgment can be collected, be found to be imprisoned in the county jail of Lincoln county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or the defendant be discharged by order of the council.

Shall not work incompetency.

SECTION 155. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure to hold election at specified time shall not invalidate proceedings.

SECTION 156. If any election by the people or council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize or to perform any other act, as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the council; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at a specified time, be not then done or performed, the council may appoint another time at which said acts may be done or performed.

Relating to suits against city.

SECTION 157. When any suit or action shall be commenced against said city, the service of summons or process therein may be made by leaving a copy thereof with the mayor, or in the absence of the mayor from the city, or in case he cannot be found, by leaving such copy with the president of the council, or acting mayor, or city clerk, whose duty it shall be, forthwith, to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may in such case provided.

Judgment against city of Merrill—how recovered.

SECTION 158. When a judgment shall be recovered against the city of Merrill, or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as hereinafter provided. The person recovering such judgment may file a certified copy or transcript thereof with the city clerk, who shall lay the same before the council at its next regular meeting, and unless the council shall determine to appeal from such judgment, it may provide for the payment of the same out of the general fund. Unless so paid the amount of such judgment shall be added to, and included with other city taxes, by the clerk in making the next annual tax roll, and shall be collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor. No real or personal property of any inhabitant of said city, or of any individual or private corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City may purchase real estate.

SECTION 159. The said city may lease, purchase and hold real or personal estate sufficient for municipal purposes, and may sell and convey the same, and the same shall be free from taxation while owned by the city; provided that no debt

shall be incurred in any such purchase which cannot be paid out of the revenue of the fiscal year.

Charter not to be amended.

SECTION 160. No general law of this state contravening the provisions of the city charter, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

LICENSE — BY WHOM SIGNED.

Licenses — by whom signed.

SECTION 161. Every license issued under the charter or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same, shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, unless the same shall have been authorized by the council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which shall be approved by the council; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the charter, and that all license shall be granted to expire on the first day of April next following, in each year.

USE OF COUNTY JAIL.

Use of jail.

SECTION 162. The use of the jail of Lincoln county until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Council authorized to procure further plats.

SECTION 163. The council of said city is hereby authorized and empowered to cause to be made, by some competent person, a plat of all pieces or parcels of land within said city, which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by number placed thereon. The said plat, when completed, shall be certified to by the person making

the same, and shall be acknowledged before some officer authorized to take the acknowledment of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Lincoln county.

Said plats to be known as "assessor's subdivision of lands in the city of Merrill."

SECTION 164. The said plat shall be called and known as "Assessor's subdivision of lands in the city of Merrill," and for the purpose of assessment and taxation, it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state, by reason of the non-payment of any tax hereafter assessed, shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat, or the record thereof, shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated and numbered.

City shall have right of action against employes.

SECTION 165. The city shall have a right of action against any of its officers, agent or employes, and against any person or corporation, to recover all damages which it has been compelled to pay on account of the act, default, tort or neglect of such officer, agent, employe, person or corporation. But the liability of all such officers, agents, employes, persons and corporations shall be ascertained and determined conformably to the general law of the state.

Streets to be named and numbered.

SECTION 166. The common council shall, as soon as possible, name or number all the streets within the city not already named or numbered, upon duly recorded plats, and such names or numbers shall, in all courts and places, be a sufficient designation or description of such streets, and they shall cause to be made and filed in the office of the city clerk, a plat of the city, which plat shall contain the names and numbers of all the streets in the city.

Council authorized to issue bonds.

SECTION 167. The common council of the city of Merrill shall have power to direct the issue of bonds of the city, not exceeding the amount limited by the constitution of this state, drawing not more than seven per cent. interest, and payable at

such times as it may deem proper, to be used in raising money to pay the city's just proportion of the indebtedness of the town of Merrill, and of the judgments against said town, and to provide for the necessary expenditures of the city government for one year; provided, that said bonds shall not be negotiated, or sold, or exchanged for such indebtedness, at less than their face value.

Relating to support of poor.

SECTION 168. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the council may make such rules and regulations, ordinances and provisions, relative to the same, as it shall deem proper, and may adopt the county system, in accordance with any resolution of the county board.

Actions against city of Merrill, how maintained.

SECTION 169. No action upon any claim or cause of action, for which a money judgment only is demandable, except upon city orders, bonds and coupons, shall be maintained against the city of Merrill, except as hereinafter provided.

File claims with city clerk.

SECTION 170. A statement or bill of such claim shall first be made, sworn to and filed with the city clerk, as provided in the next section.

Statements to be itemized.

SECTION 171. Such statement or bill shall distinctly specify each item, its nature, date and amount; or if the claim be incapable of being itemized, such statement shall plainly set forth the facts constituting the claim and the amount claimed. Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and such affidavit shall state whether or not any part of such claim has heretofore been paid or presented to the common council for allowance.

Council to examine claims presented.

SECTION 172. The city clerk shall lay such claim before the common council at the next regular meeting thereafter, and the common council shall examine and audit every claim presented in the manner above required, at least as soon as the second regular meeting after the meeting at which such statement was first presented to it, and the city clerk shall make and annex to such statement a copy of all the items disallowed therein; or, if disallowed in full, a statement of that fact. But no such claim or demand shall be received or filed by the city clerk, nor acted upon or considered by the common council, unless the statement or bill

thereof shall have been made out, verified and filed in the manner above required.

Refusal to consider said claims.

SECTION 173. If such statement or bill shall not be made out, verified and filed as above required, and the council shall for that reason refuse to consider the same, the city clerk shall write upon the back of such statement the words, "statement insufficient," and shall sign such indorsement, and at any time within sixty days after such refusal, the claimant may file a new statement, which shall be made out and verified as above required.

When claims are disallowed may appeal to circuit court in time limited.

SECTION 174. When the claim of any person against the city shall be disallowed in whole or in part by the council, such person may appeal to the circuit court of the county of Lincoln within ninety days after such disallowance, by serving a notice of such appeal upon the mayor or city clerk, and executing and filing with the city clerk a bond to the city, with sufficient sureties, to be approved by the city clerk, county judge of Lincoln county, or a court commissioner of said court, conditioned for the diligent prosecution of said appeal, and the payment of all costs and damages which may be adjudged against the appellant upon such appeal. The city clerk shall thereupon file with the clerk of the circuit court a duly certified copy of such claim, and of the record of its disallowance, and within twenty days after the filing of the appeal bond and the service of the notice of appeal, the city shall file with the clerk of the circuit court, its answer or demurrer to the claim, or its objection thereto.

Appeals, how tried.

SECTION 175. The appeal shall be brought to trial and tried in the circuit court, as cases originally brought in said court.

Relating to the recovery upon such appeals.

SECTION 176. If the recovery upon such appeal shall not exceed the amount allowed by the city council, exclusive of interest upon such allowance, the appellant shall pay the costs of such appeal, which costs shall be taxed before the entry of judgment, and deducted from the amount recovered, and judgment shall be entered for the balance; and when the amount of costs exceeds the sum recovered, judgment shall be entered against the appellant and his sureties for such excess.

SECTION 177. The determination of the council disallowing any such claim in whole or in part,

shall not be final, but the claimant may appeal as in this act provided for, or may bring an action to recover the same within the time limited by law. In case action is brought by such claimant, and on the trial thereof he shall not recover a sum exceeding the amount allowed by the council, and interest thereon to the time of trial, the city shall recover costs in such action, to be ascertained and collected in the manner provided for in the preceding section, when costs are recovered by the city in cases tried on appeal.

Determination of council disallowing any claim shall not be final.

SECTION 178. The city of Merrill shall build, erect, construct, keep up, maintain and repair all city bridges and approaches thereto, and the same shall be under the control and management of the common council, and all costs and expenses incurred in building, erecting, constructing, keeping up, maintaining and repairing the city bridges and approaches thereto shall be paid by the city.

Bridges to be built and kept in repair.

SECTION 179. The common council may by ordinance prohibit riding or driving of any horse or horses or other animal or animals on, over or across any bridge in the city faster than a walk and may prescribe proper penalty or penalties for the violation thereof.

Prohibit riding or driving faster than a walk across bridges.

SECTION 180. Chapter 5, of the laws of 1883, entitled, "An act to incorporate the city of Merrill," and chapter 191, of the laws of 1883, entitled "An act relating to and amendatory of the charter of the city of Merrill," are hereby repealed. All officers of said city and the several wards thereof, heretofore elected or appointed, shall hold their respective offices until such time as their successors are elected and qualified pursuant to this act; provided the repeal of said acts shall not affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue, or in pursuance of said acts or either of them, but the same shall exist and be in force and be carried out as fully and effectually to all intents and purposes, as if this act had not been passed.

Repealing sections.

Officers to hold their offices until successors are elected.

SECTION 181. This act shall be considered a public act and shall be construed liberally and favorably in all courts and places.

Public act.

SECTION 182. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1885.

[No. 112, S.] [Published March 10, 1885.]

CHAPTER 37.

AN ACT to incorporate the City of Kaukauna.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name.

SECTION 1. From and after the 25th day of March, A. D. 1885, all that district of country, together with the incorporated village of Ledyard, in the county of Outagamie and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Kaukauna; and they who do now, or hereafter inhabit said district, shall be a municipal corporation by the name of "The City of Kaukauna," and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes, and in addition thereto shall have and possess the powers hereinafter granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing or being sued; pleading and being impleaded in all courts of law and equity; and shall have a common seal and may change and alter the same at pleasure.

Ward boundaries.

SECTION 2. All that district of country included within the following boundaries, shall compris said city, and shall be divided into five wards, as follows: Named respectively, the first ward, th second ward, the third ward, the fourth ward an the fifth ward. For municipal or other purpose the first and second wards shall be known North Kaukauna, and the third, fourth and fift wards to be known as South Kaukauna, the cent line of the main channel of Fox river shall co stitute the dividing line; commencing at the poi of the intersection of the east and west cent line of section 18, in township 21 north, of ran 19 east, with the northwest line of private cla 33, thence south 40 degrees east, along said nort west line of said private claim 33, to the no bank of Fox river, thence in a southwesterly dir

tion across said Fox river to the northeast corner of lot 1 in fractional section 1, on the south bank of said Fox river in township 21 north, of range 18 east; thence due south fifty-seven and seventeen hundredths chains to the quarter post on the southeast corner of said lot 1, of fractional section 21; thence due west fifty and ninety-eight hundredths chains to the east line of lot 1, in fractional section 22; thence south ten and sixty hundredths chains to the southeast corner of said lot 1, of fractional section 22; thence due west thirty-two and twenty-three hundredths chains to the southwest corner of lot 5, in said fractional section 22; thence north eleven and ninety hundredths chains to the southeast corner of lot 6, in said fractional section 22; thence due west twelve and thirty-one hundredths chains to the southwest corner of lot 7, in said fractional section 22; thence due north to the center of the highway known as the Green Bay and Menasha plank road; thence south 60 degrees west along the center of said highway fourteen and fifty-nine hundredths chains to the southwest corner of lot 1, in fractional section 23; thence north fifty-three and twenty-four hundredths chains to the northwest corner of said lot 1, in fractional section 23, on the south bank of Fox river; thence in a northwesterly direction across the said Fox river to the point of the intersection of the north and south center line of section 23, township 21, range 18 east, with the north bank of said Fox river; thence north along said north and south center line of sections 23 and 14, in said township and range, to the center post in section 14; thence due east across private claims 1, 35, 34 and 33 to the place of beginning.

FIRST WARD.

SECTION 3. The First ward of the city of Kaukauna shall consist of that territory of land within the city limits above described, lying southwest of the southwest line of the north half of private claim 35, and west of the center line of Desnoyer street, and all of the block 23, lying south of the center line of Wisconsin avenue, on the north side of Fox river. First ward.

SECOND WARD.

The Second ward of the city of Kaukauna com- Second ward.

prises all the territory lying east and north of the above described limits of the first ward, within the city limits and north of Fox river.

THIRD WARD.

Third ward. The Third ward of the city of Kaukauna comprises all that part of the village plat of Ledyard, lying west and southwest of the following described division line, south of the center line of Fox river: Extend Fourth avenue in a straight line to its center point in Fox river, from that point in a southwesterly direction to where the center line of Fourth avenue intersects the center line of Fifth street, thence southeast to the center line of Third avenue, thence due south to the city limits.

FOURTH WARD.

Fourth ward. The Fourth ward of the city of Kaukauna comprises all the territory east and southeast of the dividing line of the third ward south of Fox river.

FIFTH WARD.

Fifth ward. The Fifth ward of the city of Kaukauna comprises all the islands and island groups, within the limits of the city of Kaukauna, generally known as islands numbered one, two, three and four, in Fox River.

CHAPTER II.

CITY AND WARD OFFICERS.

City and ward officers. SECTION 1. The officers of said corporation shall consist of a mayor, two aldermen from each ward, one supervisor from each ward to represent such ward in the county board of supervisors, one city clerk, one assessor, one city treasurer, one city attorney, two marshals, one for North Kaukauna and one for South Kaukauna, two street commissioners, one for each side, one chief of fire department, two justices of the peace, five constables, one from each ward, and such other officers as the common council of said city deem necessary.

Names of officers to be elected. SECTION 2. The mayor, clerk, assessor, treasurer and justices of the peace, shall be elected at the annual municipal election by the electors

large; the aldermen, supervisors and constables, shall be elected by the electors of each ward for their respective wards, at the time of the annual municipal election. All other officers and agents shall be appointed by the common council on the first Tuesday after the general municipal election, or at such other time within two weeks thereafter, as the council may determine, and as often as may be necessary to fill vacancies.

Qualifications of officers.

SECTION 3. The mayor, treasurer, assessor, aldermen and supervisors, must be freeholders of said city, and all city and ward officers shall be qualified voters, and residents of the city and in the ward for which they were elected or appointed. The mayor, clerk, assessor and treasurer, constables, one alderman and the supervisors from each ward, shall be elected annually, excepting however, that at the first municipal election, one alderman be also elected for two years, and every year thereafter one alderman shall be elected for two years. The justices of the peace shall hold their term of office for two years. All officers shall hold their office until their successors be elected and qualified, and their term of office shall, except as is otherwise provided by law, begin on the second Tuesday in April.

Powers of common council.

SECTION 4. The common council shall have power, for due cause, to expel any of its own number, and to remove any elected or appointed officer, excepting justices of the peace, due notice and an opportunity having been first given for a hearing to the officer proposed to be removed. Any officer, elected or appointed, who shall duly be notified of his election or appointment, failing to qualify within ten days after such election or appointment, shall forfeit his election or appointment, and his office deemed vacant, except justices of the peace, whose qualifications are governed by the general law. All vacancies shall be filled to the next municipal election, by a majority vote of all the members of the common council, excepting in the case of mayor, which vacancy shall be filled by special election, of which five days' notice must be given by the clerk, as directed by the common council.

No salary should be paid except fees.

SECTION 5. The members of the common council, the supervisors, the justices of the peace,

and the constables, shall receive no salary from the city, excepting legal fees as the law provides. The compensation to be paid to the city treasurer, city clerk, assessor and other officers, shall be established on the first meeting of the common council after the first municipal election, and may be paid in installments or annually. All such salaries shall be fixed for each and every appointive office before the appointment is made.

ELECTIONS.

Election precincts and inspector's districts.

SECTION 6. The city shall be divided into two election precincts, one to comprise wards one and two, and shall be known as the North Kaukauna precinct, and the other to comprise wards three, four and five, and shall be known as the South Kaukauna precinct, and the places of holding elections shall be designated by the common council, at least two weeks prior to any election, at which time the clerks of election shall be appointed. The inspectors of election, numbering three for the North Kaukauna precinct, shall be chosen from the aldermen and supervisors of the first and second wards, and the inspectors of the South Kaukauna precinct, numbering three, shall be chosen from the aldermen and supervisors of the third, fourth and fifth wards, and these appointments shall be made by the common council. The common council of said city shall provide for five ballot boxes, numbered one, two, three, four and five, to designate the number of wards, and for each such ward one clerk of election shall be appointed, to keep a poll book for each ward separately. Every person on presenting his ballot, shall give his name and the number of the ward in which he resides, and the clerk of the election, who has charge of the poll list of the ward in which he resides, shall enter the name on the list, numbered so as to correspond with the number of ward of which said person is a resident. The general election laws of Wisconsin shall be adhered to in every respect, excepting as specially provided for in this chapter.

Counting and canvas of votes.

SECTION 7. When the polls of election shall have been closed, the inspectors, without adjourning, shall canvas the votes received at such polls, and make returns thereof, in writing, duly signed,

stating therein the number of votes received for each person for a designated office, and the whole number of votes received, and such return shall by them be delivered, together with the oaths of inspectors and clerks, and the poll list kept by them, to the city clerk, to be filed in his office within twenty-four hours after closing the polls.

Determination by council of officers elected.

SECTION 8. On Thursday next after the election herein provided for in each year, the common council, shall, at its hour of regular meeting, assemble at the council rooms to canvas the returns of the previous election, and determine by a majority of their votes, who are elected for each of the city and ward officers, as were voted for. A report of such determination shall be signed by it, or a majority of it, and entered upon the minutes of said common council, and within twenty-four hours thereafter, the city clerk shall notify the different persons of their election to such office, and shall certify to the clerk of the circuit court, and county clerk of Outagamie county, to the names of the persons so duly elected, as the law requires. The municipal election for ward and city officers shall be held on the first Tuesday in April in each year. The first municipal election for the year A. D. 1885, shall be ordered by the following named persons, who are also appointed as inspectors of elections pro tem. M. L. Schwinn, George F. Butler and James Simons, for the North Kaukauna precinct, and A. A. Kern, C. W. Walker, and John Coenen for the South Kaukauna precinct. The following clerks are appointed: Isaac Johnson, for the first ward, Thomas Reese for the second ward, C. B. Krebs for the third ward, John Dietzler for the fourth ward, and Seymor Beach for the fifth ward, all of whom shall qualify as prescribed by law, and in conformity with the provisions of this chapter. The polls shall be open from nine o'clock in the forenoon or as soon thereafter as may be, till sunset, and ten days' notice shall be given by the city clerk of the time and places of holding such election, and of the officers to be elected, by publishing a notice in the official paper of the city, and posting up notices in at least two public places in each ward.

Elections shall be by ballot.

SECTION 9. All elections by the people shall be by ballot, and a plurality of the votes shall con-

stitute an election. In case of a tie vote, lots may be cast in the presence of the common council, and in such a manner as it may direct. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, ten days next preceding such election, shall be deemed qualified electors of said city and ward.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Officers to subscribe oath of office.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk, and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Kaukauna, a bond with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the common council may deem proper. The treasurer, before entering upon the duties of his office, shall also execute a bond with at least two, nor more than six sureties. The penal sum, expressed in such bond, shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount, over and above all debts, liabilities and exemptions, and the aggregate of such amounts shall, at least, exceed the penal sum specified in the bond. The council may from time to time, require new or additional bonds from the treasurer or any other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same.

The mayor and his duties

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city and the by-laws for the govermnent of the council are duly observed, and enforced, and that all other executive officers of

the city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city. In case of a riot or other disturbances, he may appoint as many special or tempory constables as he may deem necessary. The mayor shall have a vote in the council, only in case of a tie [and] when the council shall be engaged in the election of any officer; the mayor shall have a vote the same as any alderman.

Temporary presiding officer.

SECTION 3. In case the mayor shall be absent from any meeting of the common council, it shall proceed to elect from their own number a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The presiding officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and any acts performed by him shall have the same force and validity as if performed by the mayor.

DUTIES OF CLERK.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and correct account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation of clerks of towns. And chattel mortgages so filed, and the renewal thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths and affirmations.

ASSESSOR—HIS DUTIES.

The assessor and his duties.

SECTION 5. The assessor shall assess all the taxable property of the city of Kaukauna, as required by law, and shall complete and return his assessment roll in the manner hereafter provided, and receive such compensation as shall be fixed by the common council.

THE TREASURER—HIS DUTIES.

The treasurer and his duties.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be required of him, by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with account of all disbursements in suitable books to be provided for this purpose, and in such manner as the common council may direct. At the first regular meeting of the common council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office, since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of such report; such reports, when made, shall be published with the proceedings of the common council. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same power to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes. He shall disburse none of the money belonging to any of the funds of the city, except by an order therein duly issued by directions of the common council, which order shall be signed by the mayor and countersigned by the clerk; provided that the school fund may be drawn out as provided by other provisions of this act. He shall collect all general and special taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be

subject to the same liabilities as treasurers of towns, except when a special duty or direction is imposed by this act. The common council shall, at its last meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, and the salary so fixed shall not be increased or diminished during the term. All sums received by the treasurer as fees, shall be paid by him into the city treasury, and when required by the common council he shall make report under oath of all fees or other moneys received by him as treasurer. On the third Monday of March in each year, he shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report.

JUSTICES OF THE PEACE.

The justices of the peace and their duties.

SECTION 7. There shall be two justices of the peace elected by the city at large under this act, one to hold his office in North Kaukauna and one in South Kaukauna; they shall each hold their offices for the term of two years and until their successors are elected and qualified. They shall have the same jurisdiction and perform all the duties of justices of the peace; and shall qualify in the same manner, except that the official bonds or agreements shall be approved by a majority of the common council. They shall in addition of such jurisdiction as is conferred by law upon justices of the peace have concurrent jurisdiction in all cases arising under this act, and the ordinances, resolutions and by laws passed by said city council. Their fees shall be governed by the general laws concerning the fees of justices of the peace, but they shall not be furnished by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them. They shall as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested; and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city.

MARSHAL'S DUTIES, ETC.

The marshal and his duties.

SECTION 8. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and collection of license moneys and fines. They shall possess all the powers of the constables of towns and be subject to the same liabilities. It shall be the duty of marshals so appointed to execute and return all writs and processes to them directed, and when necessary in criminal cases or for any violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state. It shall be their duty to suppress all riots and disturbances and breaches of the peace, and to remove or cause to be removed, all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state; and within reasonable time bring such person before competent authority for examination; and for such services they shall receive the same fees as are allowed by law to constables of towns for like services; and such further compensation as the common council may allow.

CITY ATTORNEY—HIS DUTIES.

The city attorney and his duties.

SECTION 9. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state. It shall be his duty to conduct all the law business of the corporation; he shall, when required, furnish opinions on subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees; he shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the

business of the city, and to perform all other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary to be fixed by the common council.

STREET COMMISSIONERS.

SECTION 10. The street commissioner shall see that all ordinances of the city, relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, sewers, gutters and water of the rivers in said city, are duly observed and kept, and to control the persons employed therein. They shall have the general supervision of all work let by contract for the making, grading, paving, gravelling, planking and repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters unless the common council shall otherwise direct. They shall receive such compensation as the common council may determine. The street commissioner and his duties.

CONSTABLES.

SECTION 11. The constables elected under this, shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in duly organized towns, except the official bond of such constable shall be approved by the mayor, and filed with his oath of office in the office of the city clerk. The constables and their duties.

ALDERMAN.

SECTION 12. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same. Respecting aldermen.

CHAPTER IV.

THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen shall constitute the common council; and the style of all The common council.

ordinances shall be, "The common council of the city of Kaukauna do ordain, etc."

When the common council shall meet.

SECTION 2. The common council shall meet on the second Tuesday of April in each year for the purpose of organizing and the transaction of such other business as shall come before them under the provisions of this act; on the first Tuesday in December for the purpose of levying taxes; on the last Tuesday in March to audit all accounts of officers and all claims against the city; and hold stated meetings at such times and places as it shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for its own government and proceedings. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; its sessions shall be open and public; its proceedings shall be recorded in full and all its papers and records, and all election returns, shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine or otherwise, for disorderly behavior or contempt; may compel the attendance of its members upon its sessions, and may fine or expel any member for neglecting his duty as such member or for unnecessary absence from its sessions.

Duties of common council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property of the city, and shall likewise, in addition to all other powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of the trade, commerce and health thereof, and for carrying into effect the powers vested in said common council; and

declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by-laws and regulations; and such ordinances, rules, regulations and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution and laws of the United States and of this state, and for these purposes shall have authority by ordinance, resolution or by-law:

May issue licenses.

1. To license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, bowling saloons, and other places of public amusement, and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date the same may be granted to expire on the first day of May following, and the applicant paying pro rata therefor; but no license shall be granted for a longer time or period than one year.

Suppression of vice.

2. To suppress, restrain and prohibit all description of gambling and fraudulent devices or practices, and all playing of cards, dice or other games of chance, with or without betting, and restrain, prohibit and suppress any person or persons from vending or giving away for the purpose of evading the law, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to authorize the seizure and destruction of all instruments used for the purpose of gaming.

To prevent riots, disturbance, etc.

3. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or

disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame.

Shooting fire-arms, etc.

4. To prevent the shooting or discharging of fire-arms or fire-crackers, squibs or torpedoes, and to prevent the exhibition of fire-works in any situation which may be considered by the common council dangerous to the city or any inhabitants or property therein, or annoying to the citizens thereof.

Immoderate riding or driving.

5. To prevent horse racing and immoderate riding or driving in the streets, and to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise while standing or remaining in any street, alley or public ground within the city.

Estrays.

6. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding, and sale of the same.

Running at large of dogs.

7. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Establish pounds, pumps etc.

8. To make and establish public pounds, pumps, wells, cisterns and reservoirs.

Encumbering of streets, etc.

9. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, sleds or any other vehicle, boxes, lumber, wood, or other materials or substances whatever.

Riding or driving on sidewalks.

10. To prevent all persons from riding, driving or leading any horse, mule, cattle or any other animal on the sidewalks in said city, or in any other way doing damage to said sidewalks.

Removal of rubbish, etc.

11. To compel the owners or occupants of buildings and grounds to remove snow, dirt, rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from any lot owned or occupied by him all such substances, as the board of health shall direct; and in his default to authorize the removal or destruction thereof at the expense of such owner or occupants.

Lighting of streets, etc.

12. To erect lamps and regulate the lighting thereof, and to provide for lighting streets, public grounds and buildings with gas or otherwise.

13. To protect monuments in the city, and

direct and regulate the planting and preservation of trees in the streets and public grounds. Monuments and trees.

14. To provide cemetery grounds, may buy and hold cemetery grounds outside of the city limits, regulate the burial of the dead, and the return of bills of mortality, and exempt burial grounds, set apart for public use, from taxation. Cemetery.

15. To establish and regulate boards of health, and to define their powers and duties. Board of health.

16. To erect or establish one or more pest houses, hospitals and dispensaries, and to control and regulate the same. Pest houses, etc

17. To regulate, control and prevent the landing or bringing into the city, by railroad cars or otherwise, of persons sick or infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city or their spread therein, and to make quarantine laws and regulations, and enforce the same within the city and not exceeding two miles beyond the city limits. Contagious diseases.

18. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Removal of nuisances.

19. To direct the location of slaughter houses and markets. Location of slaughter houses.

20. To prevent persons from bringing or depositing within the city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides, or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid carcasses and removal of same.

21. To determine what are nuisances and to prevent, abate and remove the same. Abatement of nuisance.

22. To regulate the keeping and conveying of gunpowder, camphene, burning fluid and other Storage of gunpowder.

combustible and dangerous materials and the use of candles and lights in barns and stables.

Bathing and swimming.

23. To regulate and determine the time and places of bathing and swimming in the river, canals or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Punishing vagrants, etc.

24. To restrict and punish vagrants, mendicants, street beggars and prostitutes; and to restrain drunkenness or obscenity in the streets or public places, and to provide for the arresting, removing and punishing of any person or persons who may be guilty of the same.

Arrest of vagrants, etc.

25. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the street or other thoroughfare or public place to beg or receive alms; also keepers, exhibitors, or visitors at any gambling table, gambling house or other place of device, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theatre, or other public entertainment, or place where public or private schools are held, either week days or Sundays, or places where religious worship is held.

Carrying of fire-arms, etc.

26. To regulate and prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot or knuckles, bowie knife, dirk or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons.

Public markets, etc.

27. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interfering with the due observance of such rules and regulations.

Weight and size of bread.

28. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

29. To regulate and license butchers, butchers' shops and meat markets, and to regulate, license and restrain the sale of any goods, wares, merchandise, game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions, in the streets and other public grounds of the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. License butcher shops, etc.

30. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same, Weighing or selling hay.

31. To provide for a standard of weights and measures, and for the punishment of the use of false weights and measures, by fine or otherwise. Standard of weights and measures.

32. To regulate the times, places and manner of holding public auctions and vendues. Auctions and vendues.

33. To tax, license and regulate auctioneers, pawnbrokers, distillers and brewers, and to tax, license, regulate and restrain hawkers and peddlers, keepers or proprietors of gift-book stores, gift concerts and other gift enterprises. Licenses.

34. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to prescribe their compensation. License and suppress omnibus drivers.

35. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Restrain runners.

36. To control, regulate, repair, amend, clear the streets and alleys, bridges, and side and cross walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and protect the same from any encroachment or injury. Control of streets.

37. To provide for and regulate the construction of gutters and sewers within the city. Regulate construction of gutters.

38. To regulate or prohibit the keeping of any lumber-yard, and the placing, piling, or selling of lumber, timber, wood or other combustible materials within the limits of the city. Regarding lumber yards.

39. To preserve the river and canals; to prevent any use of the same, or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters Preserve rivers and canals.

of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, ashes, dead animals, or other substance, or logs, or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof.

Watchmen and policemen.

40. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties.

Watch houses.

41. To purchase, build, or lease and maintain a watch house or place for confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons.

Purchase and hold real estate.

42. To receive, purchase and hold for the use of the city, any estate, real or personal, to sell and convey, to provide for the erection of a city hall, engine houses and other necessary public buildings, and to insure any property of the city against loss or damage by fire, lightning, wind or hail.

Numbering blocks.

43. To re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds.

Establish fire department.

44. To establish and maintain a fire department as hereinafter provided.

Regulate the running of cars and engines.

45. To regulate the running of engines and railroad cars within the limits of the city, and to compel railroad companies to station flagmen at such crossings as in the opinion of the common council may be necessary for the safety of life and property.

Boundaries of school district.

46. To consolidate or change the boundaries of school districts in said city under the same restrictions and with the same power as is now conferred on town boards under the general laws of this state.

Call of special elections.

47. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act is insufficient to meet the requirements.

Make and repeal of ordinances, etc.

48. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state (necessary) for the good order and government of

the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance, regulation, resolution or by-law thereof.

Passage of laws, ordinances, etc.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published at least once in some newspaper published in said city, or posted in three public places in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit should be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as evidence of the passage and publication or posting of such law, ordinance, regulation, resolution or by-law. Such record of such law, ordinance, regulation, resolution or by-law, or a copy of such record, certified by the city clerk under the seal of the city, or a newspaper or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof shall be adopted with [without] the affirmative vote of a majority of the common council elect, which vote shall be taken by ayes and noes and duly entered of record.

When laws shall take effect.

SECTION 5. No law, ordinance, regulation, resolution or by-law requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor.

Power of veto.

SECTION 6. The mayor shall have power to veto any resolution, act or ordinance passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of the same. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections, and in case the council shall not, at its next regular meeting or special meeting called for that purpose, re-enact such ordinance, or pass such act or resolution by a vote of two-thirds of the aldermen elected, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

Power conferred shall not bar or hinder suits.

SECTION 7. The power conferred upon said common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein nitro-glycerine or more than one hundred pounds of gunpowder or other explosives are deposited, stored or kept, at any one time, are hereby declared and shall be deemed nuisances.

Examine and adjust accounts.

SECTION 8. The common council shall examine, audit and adjust the accounts of all officers or agents of the said city, and all other claims against the said city at such time as it may deem proper, also on or before the last Tuesday in March, in each year; and the common council shall require each and every officer or agent of said city to exhibit his books, accounts and vouchers for such examination and settlement, and if any officer or agent shall refuse to comply with orders or requirements of the common council in the discharge of their duties in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common

council shall order suits and proceedings at law against any officer or person or agent of said city who may be delinquent or defaulting in his accounts or discharge of his official duties and shall make a full record of all such adjustments and settlements. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of a street commissioner duly certified by him.

When action may be maintained.

SECTION 9. No action shall be maintained by any person against the city of Kaukauna upon any claim, unless the same shall have been duly presented to the common council of said city. The determination of the common council disallowing in the whole or in part any such claim or demand shall be final and conclusive, and a perpetual bar to any action in any courts, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council as hereinafter provided, or unless such common council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any such claim or demand, duly presented to it, this chapter shall be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

In case claim is disallowed further actions.

SECTION 10. When the claim or demand of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the county court for the county of Outagamie, by causing a written notice of such appeal to be served on the city clerk within twenty days after the making of such decision, and executing a bond to said city, with sufficient surety to be approved by said clerk, the county judge or a court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; provided, that if the case be such that the said county court have not jurisdiction, the appeal may be taken to the circuit court of said county of Outagamie in the

same manner as is hereinbefore provided for appealing to the county court.

Notice of appeal how made.

SECTION 11. The city clerk upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council; with their decision thereon, and shall file the same together with the bond and all papers in the case in his possession, with the register in probate or with the clerk of circuit court as the case may be, for said county of Outagamie and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said court, and costs shall therein be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim or demand, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest, upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER V.

FINANCE AND TAXATION.

Finance and taxation.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any fund in the treasury belonging to said city. City orders shall be receivable for all city taxes except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund re-

spectively; and all orders shall be payable to the person or to the order of the persons in whose favor they may be drawn.

Levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, on the first Tuesday of December in each year, by resolution, such tax or such sums as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, and particularly specifying the purposes for which the same are levied to defray the current and lawful expenses of said city, and for the payment of principal and interest of outstanding bonds a tax sufficient to defray the same; provided, said common council shall not levy in any one year a tax of more than two per cent. on the dollar valuation of the taxable property of said city, and not less that seven mills nor more than fifteen mills for highways and street purposes, unless authorized to raise a greater sum by a majority vote of the electors of said city at a general or special election.

No power to issue bonds except as provided by law.

SECTION 3. The common council shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases especially authorized by law, nor shall the common council issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purposes, not exceeding two thousand dollars in any one year; said taxes, when so levied, shall be collected at the same time, and for such purposes only as other city taxes are collected.

Levy of special taxes how made.

SECTION 4 Special taxes may also be levied by the common council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds due, or hereafter to become due, which are and may be issued by said city by authority of law; provided, however, no greater tax in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collectible by virtue of this act, or shall become due

before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collectible at the same time as other city taxes are collected.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.

SECTION 1. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen, or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house, or any other lawful municipal purpose, or for erecting hospitals or pest houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with, or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in a manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare by resolution that it is necessary to take any such lots or lands, for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof, and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known or can be ascertained by reasonable diligence when such residence is within this state, and in case such owner or owners are non-residents of this state, or their place of residence after due diligence by the city attorney of said city cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-

resident owner or owners, or on the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in a newspaper published within the county of Outagamie, at least once each week, and by causing such notice to be mailed postpaid to the address of such owners within five days from the time of the first publication of such notice, when the post-office address of such owner is known.

By whom notice shall be served and mode of procedure.

SECTION 2. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of said county of Outagamie, for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution, for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for, to meet and discharge such duty, and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

Selecting a jury to act in condemning land etc.

SECTION 3. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint twelve competent persons having the qualification of jurors in and for the county of Outagamie, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified. The same rights of challenge peremptorily, or for favor or cause may be exercised by the city attorney and by such land owner whose land is sought to be taken by his agent or attorney, as a party to a civil action in a circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror, success-

fully challenged, by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen, shall before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duties as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purposes therein specified.

Disqualification of jurors.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Viewing the premises.

SECTION 5. The said jurors, shall forthwith under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Deliberation of jury how conducted.

SECTION 6. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Outagamie county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the

originals. In case any jury called under the provisions of this charter, shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no further notice thereof shall be necessary to any party. A third jury shall not be called except by the direction of the common council.

In case the necessity for taking the verdict be established.

SECTION 7. Should the necessity for the taking of the premises or any part thereof, mentioned in the resolution of the council be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure, to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken, by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court of Outagamie county, briefly setting forth that the necessity for taking the premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of the owner or owners of such lands, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section 1, of this chapter. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land, so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

SECTION 8. If there should be any building

Procedure when there is any building standing.

standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Personal notice of determination to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication for three successive weeks in a newspaper published in Outagamie county; such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear at a day therein named, or give notice to the common council, of their election either to accept the award of the commissioners, and allow such building to be taken, with the lands appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such time for this purpose as the common council shall allow.

In case the owner refuses to take the building at the value to remove.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

Procedure when the buildings belong to different persons.

SECTION 11. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than estate in fee, the injury done to such person or interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

Majority of commissioners shall rule.

SECTION 12. A majority of the commissioners appointed shall be competent to determine all matters before them; and they shall within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the cir-

cuit court of said county, a report of their proceedings, concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. Whenever the commissioners shall have completed their duties the common council may by resolution order such improvements to be made and the land which has been so found necessary to be taken therefor, to be taken and used; and in such case the city shall be absolutely liable to the owner or owners, or parties entitled thereto for all compensation that may be established against the city therefor; and the council may also make an assessment of the compensation therefor to be paid, with the costs of proceedings, or such part thereof as it shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as it shall determine.

In case party is dissatisfied with the amount of compensation.

SECTION 13. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court of Outagamie county within twenty days from the time of awarding of compensation, or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor or city clerk to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation, or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party, without giving bond. Upon filing such notice with the clerk of the circuit court, the appeal shall be considered an action pending in court for trial there, as other actions and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party in accordance with the conditions of said bond.

Report of the commissioner shall be recorded.

SECTION 14. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, and at any time

after the making of such award the city may se
apart in its treasury to the order of the owner o
owners of the lands so taken, or pay the same t
such owner or owners as to the clerk of said cou
for the use of such owner or owners, the amount
awarded by the commissioners, and thereupo
may enter upon, take and use the land for th
purpose for which it was condemned, and ma
obtain from either of said judges upon twenty
four hours' notice, a writ of assistance to put i
officers or agents into possession of the same
provided that no appeal be pending.

Obligation to cease with title.

SECTION 15. When the whole of any lot or tra
of land or other premises under lease or und
contract shall be taken by virtue of this act all th
covenants, contracts or engagements betwee
landlord and tenant, or any other contractin
parties touching the same or any part therec
shall, upon confirmation of such report, respec
ively cease and be absolutely discharged.

In case only a part of premises change title.

SECTION 16. When only a part of a lot or tra
of land or other premises so under lease, or co
tract shall be taken for any of the purposes afor
said, all the covenants, contracts or agreement
respectively the same, upon the confirmation
such report, shall be absolutely discharged as
the part thereof so taken, but shall remain val
as to the residue thereof; and the rents, conside
ations and payments reserved, payable and to
paid for, and in respect to the same, shall be
proportioned that the part thereof justly a
equitably payable for such residue thereof, and n
more shall be paid or recoverable for in respect
the same.

Regarding disabilities.

SECTION 17. When any known owner of lan
or tenants affected by any proceedings under th
charter shall be an infant or labor under any d
ability, the judge, before whom the proceedin
are pending may, upon the application of t
council, or such party or his next friend, appoi
a guardian for such party, in the same manner
in a civil action in a court of record, and
notices required by this charter shall be served
such guardian.

Commissioners shall be required to take an oath.

SECTION 18. The commissioners appointed u
der this act shall, before they enter upon the pe
formance of their duty, take an oath before t
judge appointing them, faithfully and impartial

to discharge their duties as such commissioners. They shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Defects and informality may be amended.

SECTION 19. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper; and also to appoint other commissioners in place of any who may die, or refuse or neglect to serve, or be incapable of serving.

Surveys, etc.

SECTION 20. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Power to change name of streets.

SECTION 21. The council shall have the power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon, unless notice of such application to the council shall have first been published in a paper, published in said city, or posted in, at least, three public places for two weeks prior to the meeting of the council.

Laying out of streets.

SECTION 22. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 23. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VII.

CITY IMPROVEMENTS.

City improvements.

SECTION 1. The common council shall adopt general regulations relative to the cleansing and

repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks cross-walks and public grounds, and requiring the owners and occupants of lots or parcels of land bordering or abutting on any street, lane, avenue, alley, or highway, to keep in repair or rebuild the sidewalks adjoining their premises; and in case the owner or occupant of any such lot or parcel of land, after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulation, or of the order of the common council, cause the same to be done at the expense of the said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against each lot or parcel of land, for all work done and unpaid for, under the provisions of this section; and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences, both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in this act, or the general laws of this state for special taxes.

Reference of ordinance, by-laws, etc.

SECTION 2. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk, or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots, or parcels of land, abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council be referred to some appropriate committee, and any such ordinance, resolution or by-laws, shall not be passed or adopted sooner than two weeks after the introduction of such ordinance, resolution or by-law, nor until one week's notice of the introduction of such resolution shall have been published in a newspaper published in said city, or by posting three notices in three public places in said city; provided, that when said ordinance is introduced on petition of all the lot-owners sub-

ject to the special assessment of such ordinance, no notice by publication or otherwise shall be necessary.

Sidewalks shall be constructed on established grade.

SECTION 3. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such material, and in such time, as the common council by resolution, ordinance, or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk, shall be let to the lowest, reasonable, responsible bidder, who shall file bonds with the city clerk for the amount of the contract in full, for the faithful performance of such contract, and notice shall be given by publication for one week in a newspaper published in said city, or by posting notices in three public places, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of land in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, no such contract shall be let until two weeks after such notice shall have been given to such owner or owners, either personally or by publication for one week in a newspaper published or by notices posted in three public places in said city.

Powers of common council relating to repair of sidewalks.

SECTION 4. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Kaukauna, in such manner as it may deem proper, and no petition by the owners of the lots fronting or abutting on any such sidewalk, shall be necessary to authorize the common council to order such building, construction, reconstruction or repair of any sidewalk of said city. The proceedings for ordering the repair of sidewalks and the levying and collecting special taxes on the respective lots to pay for the same, shall be the same as hereby provided in case of

building a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of three dollars, in front of any one lot part of a lot, to repair, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of the cost of such repairs, specifying the lot or part of a lot, block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, piece, or parcel of land if a resident of the city of Kaukauna, for payment, and if such owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the common council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in said city, the said street commissioners shall return said account to the common council, with his certificate, stating that fact, and the common council shall, thereupon, levy a special tax to pay the same, in the manner in this section provided. Also any work required to be done in relation to this chapter, the common council may authorize to superintend, either the street commissioner or a committee appointed by them, the expense shall be paid by the city out of the general fund.

Cost and expense of surveying and to whom charged.

SECTION 5. The costs and expense of surveying streets, alleys, sewers and gutters, and of estimated work thereon, in the execution of any public improvements shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part, by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley, or such proportion thereof as the

council shall determine, or out of the general fund; sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, that all such improvements or work of any kind upon the streets or sidewalks, across streets or alleys and public grounds, shall be paid for by the city.

Penalty for interference with city officers.

SECTION 6. Every person who shall interfere with, molest or hinder any alderman, street commissioner, contractor or sub-contractor, or retard the work on streets after the same is ordered, let and under contract, on any street, drain, sidewalk or other street improvements, shall be liable to pay a penalty of ten dollars, which shall be sued for and recovered, with costs, of such person or persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances herein provided.

Letting work to lowest bidder.

SECTION 7. The common council of said city shall have power, and may in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of, or rebuilding of any sidewalk, gutter, grading, paving, cleansing of streets, alleys, reservoirs, sewers, building or rebuilding of bridges, the tending of the canal bridge, or any other improvements, and the street commissioner shall direct and have control of the person or persons being the successful bidder, and make report thereof in writing to the common council of such jobs.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING TAXES.

Assessing, levying and collecting taxes.

SECTION 1. All property in said city, real, personal and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed annually by the assessor elected under this act. In making such assessments and his return thereon, and in making re-assessments, or assessing property omitted pre-

vious years, the said assessor shall have the same powers and subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessments of taxes, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to, such roll as it may, from time to time deem advisable.

Return of the assessment roll.

SECTION 2. The assessor shall return the said assessment roll to the board of equalization of the city, on, or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same, as justice and equity may require.

Omission from the assessment roll how supplied.

SECTION 3. If it shall appear to the assessor, that any lot or parcel of land was omitted in the assessment roll of any of the three next previous years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year where such omission occurred, and such assessment shall have the same force and effect, as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, into whatsoever hands they may have come. Whenever a re-assessment shall become necessary, for any cause mentioned in the revised statutes, or any law amendatory thereof, the common council shall make such re-assessment conformably to the general laws of the state.

Board of equalization—by whom constituted.

SECTION 4. The mayor, city clerk, city assessor, and the supervisor of each ward shall constitute the board of equalization and shall meet on the first Monday of July, each and every year, at nine

o'clock in the forenoon, and shall proceed in all respects as town boards of review are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of review, and the city clerk be clerk thereof; provided, in case of a tie vote, the city board of review may call on the nearest justice of the peace in said city.

When assessment roll shall be filed with the clerk.

SECTION 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the city clerk on or before the first Monday in August in each year, and all the changes made in the assessment roll by the board of equalization, shall be duly recorded on the minutes, by the city clerk.

Taxes to remain a lien on property.

SECTION 6. All taxes and assessments, general or special, levied under this act, shall be, and remain, a lien upon the tenements upon which they may be assessed, from the time of the final completion of the assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for collection thereof, until such tax shall be paid, and no transfer of such real or personal property shall affect such lien.

Abstract of the assessment roll to be transmitted to county clerk.

SECTION 7. Before the annual meeting of the county board of Outagamie county, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the county board at their annual meeting.

SECTION 8. The county board of Outagamie county shall regard the city of Kaukauna as a town in equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll.

County board may levy tax on city.

SECTION 9. The county board of Outagamie county may levy a tax or taxes upon such city as now is or may be provided by law hereinafter, in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns and town clerks, and in all transactions of the county board of said county, said city shall be

regarded as a town, except as herein otherwise provided.

Duties of the city clerk respecting county tax levy.

SECTION 10. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, school, city, and all other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract, or lot, or parcel of land, or persons named therein, which statement shall be called the tax list of the city of Kaukauna, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council, and in calculating the taxes in dollars and cents, the city clerk shall reject the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Assessment roll to be prima facie evidence.

SECTION 11. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Duplicate copy of assessment roll shall be made by clerk.

SECTION 12. The city clerk shall immediately make out a duplicate copy of such assessment roll, when thus completed, called the tax roll, and deliver the same to the treasurer on or before the third Monday of December in each year; provided, that the city treasurer has filed with the city clerk the proper bond, and the bond for state and county taxes, and make a record of such delivery on the tax list preserved in his office, and the form of warrant to be attached shall be as the law prescribes.

Which laws are in force.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes except as herein provided.

SECTION 14. Upon the receipt of any tax roll

and warrant by the treasurer, he shall give public notice of seven days, either in a newspaper or by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at the city clerk's office on and after the day in such notice to be specified. Notice to be given by treasurer.

SECTION 15. On or before the last Monday in January in each year, unless the time is extended as provided by law, the said treasurer shall make out a return to the treasurer of Outagamie county, in which said lands may be, the list of all lands and lots upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, at the time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns of the several towns. City treasurer to make return to county treasurer.

SECTION 16. The county treasurer shall sell all delinquent lands and lots, or parcels of land returned from the city of Kaukauna, at the same time and in the same manner as other delinquent lands are sold said county. County treasurer shall sell delinquent lands.

SECTION 17. The common council shall have power to levy a tax or taxes to pay any and all judgments assessed or rendered against the city. Council has power to levy taxes.

SECTION 18. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy. Penalty in case city treasurer shall neglect his duties.

SECTION 19. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the city treasurer shall proceed to enforce the collection thereof, in the same manner as now is or may hereafter be prescribed by law. Enforcement of law.

SECTION 20. Every male inhabitant of the city of Kaukauna, over twenty-one years of age and under fifty years of age, except active members Poll tax.

of the fire department in the city, and paupers, idiots and lunatics, shall pay into the treasury the sum of one dollar and twenty-five cents annually, each, as poll tax.

List of persons liable for poll tax.

SECTION 21. The assessor of said city shall, in the month of May in each year, make out duplicate lists of all persons liable to pay said tax, designating the ward in which each person on said list resides, and shall, on or before the first Monday in June, each year, deliver one of said duplicate lists to the city clerk, which shall be filed and preserved in his office. The other duplicate list he shall at the same time deliver to the street commissioner.

Duty of clerk in regard to poll tax.

SECTION 22. Upon receiving such list said clerk shall cause to be published in a newspaper, if any, for three successive weeks, otherwise to post three notices in three public places in North Kaukauna and South Kaukauna in said city, a notice to the effect, that the list of poll taxes is in the hands of the street commissioner for collection, and that all persons failing to pay the same prior to August first in such year, will be proceeded against as provided by law.

Shall be paid to street commissioner.

SECTION 23. After such list is in the hands of the street commissioner, any person may pay to such commissioner the amount of his tax in money, or if he desires to, he shall be permitted to perform ten hours' work upon the streets of the city respectively, under the direction of such commissioner, at such time and place as he shall direct, within the month of July, in lieu of money.

Exemptions from poll tax.

SECTION 24. The mayor, city clerk and city assessor shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from poll tax, shall apply to said board to be relieved therefrom before July first. A failure so to apply, shall be deemed conclusive evidence of the liability to pay such tax; said board shall meet at the city clerk's office on the third and fourth Mondays of June for the purpose of hearing such complaints.

Collection of poll tax due.

SECTION 25. The street commissioner of said city shall, in the name of said city of Kaukauna, sue for and collect the poll tax from all persons liable to pay said tax, who shall not have paid the

same on or before the first day of August of each year.

SECTION 26. The said street commissioner, upon receiving the poll list, shall proceed to collect the same, and shall receive as compensation therefor five per centum upon the above amount of such taxes, collected in money, in addition to all other compensation. Compensation to street commissioner for collecting poll tax.

SECTION 27. The common council of the city of Kaukauna shall, on or before the first Tuesday in May, in each year, determine and levy the amount of highway tax for the ensuing year, for the purpose of constructing and repairing streets and highways, upon all the taxable property of said city, as the same shall appear by the last assessment roll of said property. Highway tax.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section. Fire department—powers of council.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, stovepipes, ovens, etc; to prevent the deposit of ashes in unsafe places; to authorize the mayor, aldermen and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention Precautions for preventing fires.

and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

May purchase fire-engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine and hook and ladder companies, and to provide for the due and proper support and regulation of the same. Each company may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the common council. Every member of said company hereby authorized to be formed shall be exempt from poll tax and jury duties during the continuance of such membership.

May enter buildings.

SECTION 4. The aldermen shall be fire wardens in their respective wards, and they may at any time enter into any building, house, store, barn, enclosure, for the purpose of inspecting the same.

Fire company tests.

SECTION 5. The clerk or secretary of each fire company or hook and ladder company, duly organized shall, on or before the first Tuesday in May in each year, return to the city clerk a list containing the names of each member of said company, and when any member of either of said companies shall cease to be a member thereof, the fact shall be reported to the city clerk.

Record of members.

SECTION 6. The city clerk shall keep a record of the members of the several companies duly organized, and such records shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duties unless his name is entered on such list. In case any person shall cease to be a member of either of said companies, the clerk shall note that fact on the list thereof; and the city clerk shall return to the county clerk of Outagamie county a list of all persons who are members of either of said companies, on or before the day now appointed, or which may be appointed, for the annual meeting of the county board, and said board shall not place the names of such persons on the jury list for the ensuing year.

SECTION 7. All powers not herein enumerated are hereby vested in the common council.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC., TO BE IN NAME OF CITY.

Actions to secure penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture, under this act, or the ordinances, by-laws or police, or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city; it shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

PROCESS.

Process.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant, as in cases of tort before justices of the peace, under general statutes of the state for the time being.

SUMMONS—FORMS.

Summons, form for.

SECTION 3. When the action by summons, such summons may be substantially in the following form:

County of Outagamie, city of Kaukauna ss:

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Kaukauna. You are hereby commanded to summon, A. B. if he shall be found within your county, to appear before the undersigned,——in and for said city, at his office in said city, on the———day of———, 18—, at———o'clock in the———noon, to answer to the city of Kaukauna, to the damage to said city, two hundred dollars or under; given under my hand at the said city, this———day of ———18——

SERVICE AND RETURN OF SUMMONS.

Service and return of summons.

SECTION 4. Such summons shall be made returnable and be served in the same manner, as is now or hereafter may be prescribed by the laws

of the state, for the commencement of action before justices of the peace, by summons, and all proceedings in the action except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace.

COMPLAINT.

Complaint.

SECTION 5. When the action commenced by summons, the complaint may be substantially in the following form:

The city of Kaukauna, against A. B. in—— court, before C. D.———

The plaintiff complains against the defendant, for that, the defendant on the——day of —, 18—, at the said city, did violate section — — of chapter ——of this act or section ——, of an ordinance, or by-law, or regulation of said city describing it by its title, which said section is now in force. By reason of such violation an action hath accrued to the city of Kaukauna to recover of the defendant the sum of —— dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

COMPLAINT UPON OATH FOR WARRANT.

Complaint upon oath for warrant.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form.

The city of Kaukauna, against A. B. in——— court, before C. D. County of Outagamie, ss. ——being duly sworn, upon oath, complains to said C. D. —— in and for the city of Kaukauna, in said county, that A. B., on the —— day of —— 18—, at said city, did violate section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title, which said —— is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested and held to answer to said city of Kaukauna therefor; sworn and subscribed to this —— day of ——, 18—, before me, C. D.

It shall be sufficient to give the number of the section, and chapter of this act, or the section of

the ordinance, by-law or regulation violated, or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

FORM.

Form of warrant.

County of Outagamie, } ss:
City of Kaukauna. }

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Kaukauna, greeting: —— has this day complained to me in writing, on oath, that A. B. on the —— day of ——, 18-- at said city, did violate section —— of chapter ——, of this act, or section —— of an ordinance, or by-law, or regulation, of said city, describing it by its title, which said—— is now in force, as this complainant believes. Therefore you are commanded to arrest the body of said A. B. and bring him before me, forthwith to answer to the city of Kaukauna, on the complaint aforesaid. C. D. Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned, by consent or for cause, if the case be adjourned the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Outagamie county. The complaint aforesaid shall be the only complaint required, and the answer of "not guilty," shall put in issue all subject matter embraced in the action.

COPIES AS EVIDENCE.

Copies as evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court of the state.

ATTENDANCE OF WITNESSES AND JURORS.

Attendance of witnesses and jurors.

SECTION 8. Witnesses and jurors shall attend before the court in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

FINDINGS OF COURT.

Findings of court.

SECTION 9. In city prosecutions the findings of the court shall be either "guilty," or "not guilty;" if guilty, the court shall render judgment thereon against the defendant, for the fine, penalty, or forfeiture prescribed in this act or in the ordinance, by-law or regulation, for the violation of which the person, or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city, upon the rendition of judgment against the defendant, and the non-payment thereof; the justice shall forthwith issue execution, as in other cases of tort, in case the action was commenced by summons, or a commitment, in case it was commenced by warrant, and shall in either case determine and enter upon his docket, the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such term in the execution or commitment. Such execution may be in the following form:

Form of execution.

County of Outagamie, } ss.
City of Kaukauna. }

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of said city, and to the keeper of the common jail in Outagamie county, greeting: Whereas, the said city of Kaukauna, on the —— day of ——, 18—, recovered a judgment before the undersigned —— in and for the said city, against ——, for the sum of —— dollars, together with the sum of ——dollars and —— cents, cost of suit for the violation of section —— of chapter —— of this act, or section—— of an ordinance, or by-law, or regulation of said city, describing it by its title: You are hereby commanded to levy distress of the goods and chattels of the said——, excepting such as the law exempts, and make sale thereof according to the law, to the amount of said sum, together with

your fees, and twenty-five cents for this writ, and the same return to this court in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said ——, and him convey and deliver to the keeper of the common jail in Outagamie county, and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of ——, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law. Given under my hand this —— day of ——, 18—.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy, and sale and return of writ.

APPEAL, ETC.

Appeals, etc.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace, in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit court of Outagamie county, in the manner provided by the general laws of this state for appeals from justice courts in criminal cases; the justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

APPEAL—HOW TRIED.

Appeal, how tried.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived, in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered.

JUDGMENT TO BE ENTERED ON CONVICTION.

Judgment to be entered, when.

SECTION 12. If the judgment of the justice shall be affirmed, or if on the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or

they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in cases of tort.

NOT TO WORK INCOMPETENCY.

Not to work incompetency.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

PRESERVATION OF BRIDGES.

Preservation of bridges.

SECTION 14. The general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injuries done thereto, are hereby extended to, and shall include all of the bridges erected or owned by said city, and shall apply to any willful or malicious injury which may be done to either or any of them, by any person or persons whatever and the common council of said city may from time to time make such by-laws or ordinances as it may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water-craft, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels, which does now, or hereafter may exist.

HOW PROCESS SERVED AGAINST CITY.

Process to be served against the city.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take proceedings, as, by ordinance or resolution of said council, may be in such cases; provided, judgments against said city shall be collected in the same manner as judgments against towns.

PENALTIES, ETC., PAID INTO TREASURY.

Penalties to be paid into the treasury.

SECTION 16. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

EXECUTION NOT TO BE ISSUED AGAINST CITY PROPERTY.

SECTION 17. No execution or attachment in any legal proceeding, shall be issued or levied upon or against any property belonging to the city of Kaukauna, nor shall private property in said city, be subject to levy or seizure, upon attachment or execution issued to collect or satisfy any contract, debt, obligation, demand or judgment against said city. Execution not be issued against city property.

MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

SECTION 18. Every member of the common council of the city of Kaukauna, who shall directly or indirectly, vote to himself, or knowingly, to any other person, any sum of money for any other purpose whatever, in violation of the city charter, or any amendment thereto, or shall ask or receive any compensation for doing any official, except as inspector of election, member of the board of review, and as member of the board of registry. Any member of the common council, or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or any other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order, or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before a city justice, and upon conviction thereof may be punished by fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days, nor less than ten days, or both, at the discretion of the court. City officers and their misdemeanors.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The credit of the city shall never be given nor loaned in aid of any individual, association or corporation. Credit of city can not be loaned.

SECTION 2. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the Licenses, by whom signed.

corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor and clerk or the common council.

Two-thirds vote required to assign license.

SECTION 3. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council; also the assignee shall file a bond required in section 2, of this chapter XI.

What laws are in force.

SECTION 4. Chapter 63, of the revised statutes of the year A. D. 1878, and the laws amendatory thereto, in relation to the support of the poor, shall apply and be in force in the city of Kaukauna, respectively.

Supervisors of the county board.

SECTION 5. The city of Kaukauna shall be represented in the county board of Outagamie county by one supervisor from each ward.

Use of jail.

SECTION 6. The use of the jail of Outagamie county until otherwise provided, shall be granted to the city of Kaukauna for the confinement of offenders.

Remission of taxes.

SECTION 7. The common council may remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust,

Citizens of town may hold meetings in city.

SECTION 8. The citizens of the town of Kaukauna, and the citizens of the town of Buchanan, shall have the privilege to hold all town meetings and general and special elections at such places in the city of Kaukauna as they may determine, and the officers of said town of Kaukauna and town of Buchanan may transact all town business in said city with the like effect, as if held or done in the towns respectively.

Surety on bonds.

SECTION 9. No alderman or any other officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds enter upon the discharge of the duties of his office until such bond

shall first have been filed and approved as by this act provided.

Resignation of office.

SECTION 10. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

Road districts in city.

SECTION 11. The city of Kaukauna shall constitute two road districts within the territory. District number one comprises all the territory within the boundary line, and north of the main channel of Fox river; and district number two comprises all the territory within the boundary line of said city, and south of the main channel of Fox river.

Division of property.

SECTION 12. The city of Kaukauna, or that part south of the south channel of Fox river, shall own and succeed to all the money and property, and all the rights of the property, contract or action, and to all the duties, liabilities and obligations of the village of Ledyard; and all rights, action, prosecutions, demands and claims in favor of or against said village, shall continue and be of the same force in favor of or against said village as if no change had been made.

Compensation of city officers.

SECTION 13. The city officers to be first elected or appointed under the provision of this act, shall receive as compensation for their services, such per diem or compensation as the common council shall determine, and the common council shall, on the second Tuesday in March, thereafter, determine by resolution, the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of such officers; and in case of a neglect to determine the compensation, the said officers, and each of them, shall receive the same compensation as their immediate predecessor.

Restricted for 10 years from laying out highway.

SECTION 14. The officers of the city of Kaukauna at present or in the future, are hereby restrained and restricted for the period of ten years, *i. e.*, the year of our Lord, 1895, to lay out a highway, or to build a bridge over the south channel of Fox river, below the bridges now constructed over said Fox river, in the said city of Kaukauna,

ard this section shall not be repealed, amended, altered or modified within the term of ten years from the passage of this act.

Division of property, when to meet.

SECTION 15. It is hereby made the duty of the aldermen, one of each ward, who is elected for the term of two years, of wards number one, two and five respectively of the city of Kaukauna, and the board of supervisors of the town of Kaukauna, to meet together at some convenient place on or before the first Monday in May, 1885, upon notice given by either body and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing, made necessary by the organization of said city, out of the territorial limits of the town of Kaukauna; and the aforementioned aldermen of said city are authorized to make settlement in behalf of the territory subject to the indebtedness, and to make a just, equitable and fair division of the amount of bonded indebtedness then due or to become due, whether of principal or interest, and shall allot and set off to said city the amount of such proportionate amount of principal and interest, as should in justice and in equity be paid by said city; and shall also set off and allot to said town of Kaukauna, such proportionate share and amount of such principal and interest, as should in justice and in equity be paid by said town. In determining such proportion so to be paid by said town and city, the said supervisors and the said aldermen shall take the last preceding respective assessment roll of the town, and allot to said city and town respectively.

If the aldermen cannot agree on division of property.

SECTION 16. If the aldermen so empowered, and the town board, shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the judge of the circuit court of Outagamie county, upon application made to him by either or both bodies, five days' notice having been previously given to the other body to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be after their appointment, and filing with the clerk of the circuit

court in and for said county, their oaths to faithfully and fairly adjust and settle all matters of dispute between said city and town, as thereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said town in common; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town, and especially out of the indebtedness of said town, any portion of which said territory in the city limits is subject to and ought to pay, comprising wards number one, two and five, and in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis as such settlement and adjustment, and shall be therein governed by the assessment roll of said town of Kaukauna for the year 1884, and all other town records they deem necessary to have in order to arrive at a just conclusion. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

Further regarding division of property.

SECTION 17. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Kaukauna, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same; but if it shall be found upon such settlement that there is any amount due said city from any portion of the territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory, so owing said part of said city, shall pay the amounts to the city treasurer, and in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in a manner as is now provided by the laws of this state, for the collection of debts against towns, villages and cities.

Duty of clerks.

SECTION 18. The city and town clerks shall

carry out upon their respective tax rolls the amounts so proportioned as otherwise authorized upon a uniform percentage opposite each valuation in said roll, subject to taxation therefor and the amount to be raised by said city to be calculated on the property real and personal on the wards number one, two and five respectively in said city.

Description of city lots.

SECTION 19. The plats of the village of Kaukauna and the additions thereto, heretofore executed and recorded, are hereby adopted as plats of the city of Kaukauna, and the additions thereto, and the real estate included in said plats, and the real estate not yet platted within the outside boundary line, may be hereafter described by lots and blocks, and by describing the plats as the original plat of the village of Kaukauna and village of Ledyard, now city of Kaukauna, or the plat of a specified addition to the village of Kaukauna or village of Ledyard, now city of Kaukauna, and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Relating to bonds.

SECTION 20. In case the electors of wards number one, two and five of said city by vote at an annual or special meeting to determine to call in and pay or refund the bonds as apportionate, the city of Kaukauna may in behalf of wards number one, two and five issue and negotiate bonds for its proportion of said indebtedness, payable at such times and bearing such rate of interest as may be determined by its electors, in the manner and upon such notice as is provided in respect to the issue of town bonds by subdivision 7, of section 776, of the revised statutes.

Compensation of aldermen.

SECTION 21. The authorized aldermen, the town board of Kaukauna, or the commissioners, shall receive such compensation as the judge of the circuit court may determine. The compensation to the witnesses shall be determined by the foregoing mentioned authorities, and be paid out of the general fund of the town of Kaukauna; the minutes and proceedings to be filed with the city clerk and town clerk, and there shall be no appeal on their findings; and the original to be filed with the clerk of the circuit court.

SECTION 22. From and after the 25th day of March, A. D. 1885, the connection between the

town of Kaukauna and that part of said town within the limits of the city of Kaukauna, for all town purposes, shall be dissolved; all that part of the town of Kaukauna not included within the limits of the city of Kaukauna shall constitute the town of Kaukauna, and the first town meeting shall be held at such place as the majority of the town board shall appoint. The foregoing rule shall apply to the town of Buchanan and the village of Ledyard as far as dissolution and final settlement is concerned. Connection between city and village considered.

SECTION 23. The town board and the town clerk of the town of Kaukauna shall sign and give notices and perform the duties enjoined, and file papers provided in this act, and shall receive the compensation therefor as for doing like services for the town. Notices and duties.

SECTION 24. The common schools of the city of Kaukauna shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties. Control of schools.

SECTION 25. The town clerk of the town of Kaukauna and the town clerk of the town of Buchanan for the year 1885, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1885, to the several districts, a part of which is embraced in the city of Kaukauna, in the same manner as though this act had not been passed. Apportionment of school money.

SECTION 26. The common council shall have power to purchase a stone crusher, and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city. Stone crusher.

SECTION 27. The engine-house, council rooms and city lock-up shall be located in the Fifth ward. The location of any other public buildings shall be left to the will of the majority of the people. Location of engine-house, etc.

SECTION 28. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as Failure to hold election shall not destroy corporation.

every year, make, or cause to be made, a correct list and enrollment of all persons within the several wards liable to perform highway work. One copy thereof he shall deliver to the street superintendent, and one copy he shall file in his office. The amount of such poll tax shall be one dollar, or ten hours' labor for each such person.

Amendment.

SECTION 6. Section 26, of said act, is hereby amended by adding thereto, at the end of said section, the following: He shall pay to the city treasurer all moneys collected for licenses and fines, taking his receipt therefor; he shall give said receipt to the city clerk, who shall charge the amount specified in said receipt against the city treasurer, in the general fund account.

Street improvements.

SECTION 7. Section 50, of said act, is hereby amended by striking out in said section the words: "All such improvements across streets, alleys and public grounds shall be made and paid out of the street fund of the city," and inserting in place thereof, the words: "All such improvements across streets, alleys and public grounds shall be made and paid out of the general fund of the city."

Street expenses.

SECTION 8. Section 53, of said act, is hereby amended so as to read as follows: Section 53. The expense of keeping streets and pavements or other surface thereof in repair shall be paid out of the general fund of the city.

Duties of street superintendent.

SECTION 9. Section 62, of said act, is hereby amended so as to read as follows: Section 62. The street superintendent shall take the oath of office prescribed for the aldermen, and shall within five days from the date of his appointment, give a bond to the city in the penal sum of one thousand dollars, with good and sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office, and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He may add to the list of persons liable to perform highway work, furnished him by the clerk as provided in this act, the names of persons liable to perform said highway work not included in such list. It shall be the duty of the street superintendent to give at least three days' notice to

each person mentioned in said list, either personally or in writing left at his usual place of abode, of the time and place within the city such labor shall be required, and said street superintendent may require all persons offering to pay in labor, to furnish a spade, shovel, ax or hoe; every person intending to pay his said tax in labor, who shall, upon notice, appear and work agreeably to the direction of said street superintendent, shall be credited on his tax one dollar for each day's work of ten hours actually performed by him. If any person notified shall neglect to appear and work on any street, highway or lane at the time and place specified in the notice required to be given, such person shall not thereafter be entitled to pay his highway tax for that year in labor. It shall be the duty of said street superintendent to collect the money of the persons so liable to perform highway work, where they elect to pay the same, or to commute the same as now provided by law. In case any person who may be liable to pay a poll tax as provided for in this act, shall refuse to work or pay the same it shall be the duty of said street superintendent to proceed and collect the same in the manner now provided for in section 911, of chapter 40, of the revised statutes of 1878, and subsequent acts amendatory thereto, and the same powers are conferred upon said street superintendent in collecting the same as are conferred upon town and village treasurers by said section and act. Said money, when so collected, to be paid into the treasury of said city of Nicollet, and become a part of the general fund of said city.

Duties of assessor amended.

SECTION 10. Section 87, of said act, is hereby amended so as to read as follows: Section 87. The assessor shall complete and return his assessment roll to the board of review of said city on or before the first Monday in August in each year.

Duties of city treasurer amended.

SECTION 11. Section 95, of said act, is hereby amended so as to read as follows: Section 95. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except

as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the 10th day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, which shall be in full for all services performed by said treasurer under this act, or the ordinances of this city.

Disposition of penalties.

SECTION 12. Section 115, of said act, is hereby amended so as to read as follows: Section 115. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, shall be paid into the city treasury and become a part of the general fund, except as provided in sections 65, 66, 67, 68, 69, 70, and 71, of said act.

Bridges belonging to city.

SECTION 13. Section 133, of said act, is hereby amended so as to read as follows: Section 133. All bridges belonging to the said city of Nicollet shall be under the jurisdiction of the corporate authorities thereof. All expenses for keeping said bridges in repair shall be paid out of the general fund of the city.

Poor laws.

SECTION 14. Section 134, of said act, is hereby amended so as to read as follows: Section 134. The laws of the state for the relief and support of the poor in towns, shall apply to said city of Nicollet, and the common council shall appoint at least two of its number, who shall organize and act as a poor board, with the mayor as president thereof. Said board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city, shall have the same powers, be subject to the same liabilities, and governed by the same laws as supervisors of towns.

Compensation of aldermen.

SECTION 15. Section 137, of said act, is hereby amended so as to read as follows: Section 137. No compensation or salary shall be paid to the mayor or aldermen of said city except as provided in section 117, of said act.

Repealing section.

SECTION 16. Anything contained in chapter 351, of the laws of Wisconsin for 1883, or any act amendatory thereof, conflicting with the foregoing amendments, are hereby repealed.

Approved March 9, 1885.

[No. 454, A.] [Published March 14, 1885.]

CHAPTER 54.

AN ACT to incorporate the city of Viroqua.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate name and time for voting on the adoption of this charter designated.

SECTION 1. All that district of country hereinafter described, from and after the second Tuesday in April, A. D. 1885, shall be a city by the name of Viroqua, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of, "The City of Viroqua," and shall have the general powers possessed by municipal corporations at common law and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity; and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal and may change the same at pleasure; providing, however, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in the territory hereinafter described, shall meet on Monday, the 6th day of April, 1885, at ten o'clock, A. M. of that day, at such place as the inspectors of such election shall appoint and vote by ballot upon such question. The president and any two trustees of the village of Viroqua are hereby appointed inspectors of such election and the village clerk of the village of Viroqua is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the village of Viroqua, or by posting the same in two or more public places in each ward of the proposed city, at

least five days before such election. Such notice shall specify the time and place and object of such election, and the time of opening and closing the polls. At such election the polls shall be opened at one o'clock, P. M., and shall be kept open until five o'clock, P. M., when they shall be closed. In case of a vacancy in the board of inspectors, the electors present shall choose *viva voce* from the qualified electors present, inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election and all the laws of this state applicable to the election of village officers shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for village officers in said village of Viroqua, may vote at such election by a ballot having thereon, the word, "yes" or the word, "no," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of the ballots cast at such election have thereon, the word, "yes," this act shall be of full force and effect. If a majority of such ballots have thereon the word "no," this act shall be inoperative and void. The said inspectors shall make and certify returns of the result of such election, and file duplicates of the same in the office of the county clerk of the county of Vernon, and the town clerk of the town of Viroqua, and the village clerk of the village of Viroqua, and such returns shall be evidence of the facts therein stated and the regularity of all the proceedings in relation to such election.

Boundaries defined.

SECTION 2. All of section number thirty-two, and the northeast quarter, and the southeast quarter, and the east half of the northwest quarter, and the east half of the southwest quarter of section number thirty-one, all in township number thirteen north, of range number four west, and the northeast quarter and the northwest quarter of section number five, and the northeast quarter and the east half of the northwest quarter of section number six, all in township number twelve north, of range number four west, all in the town of Viroqua, in the county of Vernon, state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of Viroqua.

SECTION 3. The said city shall be divided into

three wards, as follows: The portion lying west of the center line of Main street, continued north and south to the boundary lines of said city, shall constitute the first ward; the portion lying south of the center line of Court street, continued east to the boundary line of said city, and east of the center line of Main street, continued south to the south boundary line of said city, shall constitute the second ward; and the portion north of the center line of Court street, continued east to the eastern boundary of said city, and east of center line of Main street, continued north along the center of the highway leading north therefrom to the boundary line of said city, shall constitute the third ward. Ward boundaries.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, called the mayor, and one board of aldermen, consisting of six members, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. Corporate authority, in whom vested.

SECTION 5. The annual election for city and ward officers shall be held on the first Tuesday in April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from ten o'clock A. M. till five o'clock P. M., with the proviso, that an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating the time and place in each ward of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city of Viroqua, or by posting copies of such notice in two or more public places in each ward of said city. Annual election, when held.

SECTION 6. The elective officers of said city shall be a mayor, treasurer, assessor, marshal, two justices of the peace, one police justice and two constables, for the city at large, and two aldermen for each ward and one supervisor for each ward who shall represent said ward on the county board of Vernon county. All other officers neces- Elective officers, their names.

sary for the proper management of the affairs of said city shall be elected by the common council. The treasurer, assessor, marshal, supervisors, clerk, justices of the peace, police justice and constables shall be qualified voters and residents of the city of Viroqua, and the mayor and alderman shall be qualified voters and freeholders in the city of Viroqua. All elective officers except justices of the peace, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

In case of vacancy, how filled.

SECTION 7. Whenever any vacancy shall occur in the office of mayor, justice of the peace or police justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Elections shall be by ballot.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by casting lots in the presence of the common council and in such manner as it shall direct.

Qualified electors.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who shall have been residents of the said city for at least ten days next preceding any election, shall be legal voters for any officers required to be elected by this act and be deemed qualified electors at all city elections.

First election, when to be held.

SECTION 10. The first city election of said city of Viroqua, for the election of city officers, shall be

held on the first Tuesday of April, A. D. 1885, at such place in each ward of said city as the village board of the present village of Viroqua shall designate. At the time of opening the polls, the electors present shall choose *viva voce*, from the qualified electors present, three inspectors of election and one clerk of election; and the persons so chosen to act as inspectors and clerks shall, before entering the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the clerk of the village of Viroqua, stating the time and places of holding the same and of the officers to be elected; which notice shall be posted in three public places in said city. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter, or when a vacancy shall occur.

Who shall preside.

SECTION 11. The supervisor and aldermen of each and every ward shall preside at and be judges and inspectors of every election held under this act, and shall appoint some suitable person an elector of said city, who shall act as clerk of every such election. In case of the absence of any or all of said inspectors at any election, the electors present shall choose *viva voce* from their number, inspectors. The clerks and inspectors shall take and subscribe an oath in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed to by clerks and inspectors of general elections under the laws of the state. All elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state.

Voting qualifications.

SECTION 12. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years old; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the

United States on the subject of naturalization); that you are an actual resident within this city and ward, and that you have been an actual resident of this city for ten days immediately preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." Which oath any member of the boaad of inspectors is hereby authorized to administer. And if the person so offering to vote shall take the oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors of each ward to keep a list of the names of all persons whose votes may be challenged and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election shall be the same as that provided by the statute of this state for similar conduct at any general election.

Manner of canvassing votes.

SECTION 13. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass votes and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall declare the result as it appears from the same, and shall deliver such returns to the city clerk immediately after such election. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace, police justice or city marshal, shall be elected and has qualified, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Vernon county, giving both the name, and terms for which elected, and upon the

election of treasurer or supervisors the clerk shall give like notice to the clerk of the board of supervisors of Vernon county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections, how held.

SECTION 14. Special elections to fill vacancies, or for other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council; provided, that in case a special election is to be held in the city other than for ward purposes, the council may order a single poll for the entire city and appoint the place where the election is to be held and the inspectors and the clerks thereof.

What is deemed vacation in office.

SECTION 15. Any officer removing from the city or any officer who shall neglect or refuse for ten days after his election or appointment to qualify and enter upon the discharge of his duty, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

In case there is failure to elect.

SECTION 16. Should there be a failure to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Oath of office to be administered.

SECTION 17. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk. The treasurer, clerk, marshal and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Viroqua a bond with two sureties in form and amount as the common council may direct, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

When terms of office shall commence.

SECTION 18. The term of every officer elected under this act, except justices of the peace, shall

commence the second Tuesday in April of the year for which and in which he was elected.

Mayor to preside over meetings of the common council.

SECTION 19. The mayor, when present, shall preside over the meetings of the common council and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of the police of the city, and in case of riot and other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council and he shall have a vote in the common council only in a case of a tie vote; he shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The common council shall, at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who, in the absence of the mayor, shall act as such mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of such mayor.

Duties of city clerk defined.

SECTION 20. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall,

when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Jurisdiction of justices of peace.

SECTION 21. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Duties of city treasurer.

SECTION 22. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine, or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities, and governed by the same laws as treasurers of towns in this state;

provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of marshal defined.

SECTION 23. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinances of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers and authority, and be subject to the same liabilities with the marshal.

Penalty for failure to deliver to successor.

SECTION 24. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

SECTION 25. No mayor or alderman shall be a

party to or interested in any job or contract with the city; and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the common council may sue for and recover back the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same. Shall not be a party to any job.

SECTION 26. The mayor or acting mayor, each and every alderman, justice of the peace, police justice, marshal, deputy marshal, policeman and watchman and constables of said city, and the sheriff of Vernon county, and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner, all riotous or disorderly behavior within the limits of said city; and for such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen, shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars. Who may command the peace.

SECTION 27. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state, and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace. Powers that may be exercised by justices.

SECTION 28. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by them and belonging to said city within ten days after receiving the same, and take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them. Fines and penalties to be paid over by justices.

SECTION 29. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the City assessor, his duties defined.

towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor of fifty dollars a year.

Duties of street commissioner.

SECTION 30. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council, recommending in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their first, second, and third necessity, and so on to the end of his recommendations; under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion it is a matter of necessity.

Further duties of street commissioner.

SECTION 30a. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, and repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

Who shall constitute the common council.

SECTION 30b. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of election, and the style of all ordinances shall be: "The common council of the city of Viroqua do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

When the first annual meeting shall be held.

SECTION 31. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as it may appoint;

and the mayor may call special meetings by notice to each of the members, to be served personally or left at its several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members by fine or otherwise.

Powers and duties of common council.

SECTION 32. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade and commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to be and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States or of this state.

Further duties of common council.

SECTION 32a. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than two hundred dollars nor more than five hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date, the same may be granted, and if so granted, shall expire on the first day of May of each year, the applicant pay-

ing *pro rata* therefor; but no license shall be granted for a longer time or period than one year:

Suppress gambling, etc. 1st. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Prevent disturbances. 2d. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling.

Cleanse nauseous places. 3d. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Manage slaughter houses. 4th. To direct the location and management of slaughter houses and markets and to prevent the erection of, and use and occupation of the same when necessary for the health, comfort and convenience of the inhabitants of said city.

Prevent incumbering streets. 5th. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

Prevent horse racing and swimming. 6th. To prevent horse racing, immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain stock. 7th. To restrain the running at large of horses, cattle, swine, sheep, poultry, and to authorize the distraining, impounding and sale of the same.

Restrain dogs. 8th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

9th. To prevent persons from bringing, depositing or having within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid carcasses.

10th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings with gas or otherwise. Establish public pounds.

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

12th. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Weight and size of bread.

13th. To prevent all persons riding or driving any horse or mule, or any other animal, on the sidewalks of said city, or in any way doing damage to sidewalks and bridges. Riding or driving on sidewalks.

14th. To prevent shooting of fire-arms or fire-crackers, and to prevent the exhibition of fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of fire-arms.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness.

16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners and solicitors.

17th. To make rules, regulations and ordinances for the government of the police of the city. Police regulations.

18th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing Public markets.

and regulating such markets, and to punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meat, fish and other articles.

Weighing and selling hay.

19th. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Remove snow, dirt, rubbish.

20th. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot around or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Contagious or infectious disease.

21st. To regulate, control and prevent the landing of persons from all cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city.

Auctions and vendues.

22d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen.

23d. To appoint watchmen and prescribe their duties.

Weights and measures.

24th. To provide by ordinance for a standard of weights and measures.

Protect monuments.

25th. To protect trees and monuments in said city.

Regulate sewers.

26th. To prescribe and regulate the construction of sewers within said city.

Highways, etc.

27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances and to protect them from injury.

Change the name of streets.

28th. To alter or change the name of any street in the city.

Make and repeal ordinances.

29th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state, necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor

and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Provide for prosecution and defence.

30th. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor.

Purchase real estate.

31st. To purchase real estate and provide for the erection of a city hall and engine-houses.

Special election.

32d. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements.

Establish the grades of streets.

33d. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface water or other waters from whatever source, coming on the street or streets; and when a grade is so established they shall cause an accurate profile to be made thereof and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile and the ordinance establishing the same.

Establish a fire department and prescribe its duties.

34th. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as they shall see fit, and to define their powers and duties; to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof, water mains, reservoirs or other water works; to erect engine-houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of and cleaning of chimneys; to prevent bonfires and the use of fireworks and fire-arms in the city or any part thereof; to authorize fire-wardens at all reasonable

times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, and generally to establish such necessary measures for the prevention or extinguishing of fires as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation. The engine, hose and hook and ladder companies, now existing in the territory of said city, and heretofore known as "Protection Fire Company No. 1," and their constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Viroqua, and be supported by said city until the common council shall establish a fire department under the provisions of this act, and the proper officers of the department now existing shall in the months of May and October in each year, make a report to the common council, showing an estimate of what will be necessary and required for the maintenance of said department, and also a correct statement showing for what purpose moneys were expended which may have been paid to said department by said city.

Grading streets.

SECTION 33. The common council may cause any street, or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built on the petition of a majority of the owners on such side, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or build when necessary without petition.

Sidewalk tax may be collected.

SECTION 34. For the purpose of so improving any street or building, or repairing any sidewalk or gutter; the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof where only such

sidewalk or gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property to the center of the street, or such proportion thereof as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder of such expense shall be paid from the city treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

Manner of levying the tax.

SECTION 34a. Whenever the common council shall levy any such tax as specified in the preceding section it shall make out and deliver to the street commissioner of such city a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the dates thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner and done and furnished to his satisfaction.

Street commissioner to be provided with a book.

SECTION 35. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount received and disbursed by him, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing the account so kept shall at all times, when re-

quired, be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, to be filed in his office for the inspection of the taxpayers of said city. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk a certified list of the lots, pieces or parcels of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Work on delinquent lots to be done at expense of city.

SECTION 36. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as is hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Repairs to the amount of $5.00 to be done immediately by street committee.

SECTION 37. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars ($5.00), in front of any one lot, to repair the same, it shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repair, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Viroqua, for payment, and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks and gutters. In case the owner

of such lot, piece or parcel of land does not reside in the city of Viroqua, the said commissioner shall return said account to the common council, with his certificate, stating that fact; and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Setting out shade and ornamental trees.

SECTION 38. The common council shall have power to require the owner of any lot or parcel of ground in the city to set out ornamental trees on the street or streets fronting on the same, and on default thereof, to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expense of the same. The common council of said city shall have, and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents ($1.50), to be denominated a poll-tax, and to be appropriated to the improvement of streets, roads, alleys and crosswalks in said city.

List of all the male persons over 21 and under 50 years of age to be made out.

SECTION 39. On or before the 20th day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll-tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the 1st day of June in each year the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, or police justice, and in default of payment of such judgment, execution shall issue against the defendant as in the case of tort, and the first process in such action shall be by civil warrant; provided, the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commis-

sioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same manner as for other money coming into his hands by virtue of his office, and the treasurer or street commissioner, whilst said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

Laws and ordinances — how passed.

SECTION 40. All laws, ordinances, regulations, and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall be published in a newspaper published in the city of Viroqua before taking effect, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to lowest bidder.

SECTION 41. All printing and publication required by this act, or by the common council, shall be let to the lowest bidder therefor, who shall be required to give bonds, with such conditions and such sureties as the common council shall determine and require. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared and shall be deemed nuisances.

Auditing and adjusting accounts.

SECTION 42. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and

other officers or agents of the city, at such time as it may deem proper, also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person or agent of said city who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

Control of funds.

SECTION 44. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or the order of the person in whose favor they may be drawn.

Council shall annually levy taxes.

SECTION 45. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding two per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in

cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Accounts to be verified.

SECTION 46. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

In case account be disallowed.

SECTION 47. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive and a perpetual bar to any section in any court founded on such a claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city; provided, that any person in whose favor any claim is allowed in part may accept the part so allowed and bring an action against said city for the balance.

Annual report of council.

SECTION 48. The common council shall annually, on Tuesday next preceding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published before the annual election.

Power to lay out public streets and highways.

SECTION 49. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in said city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the com-

mon council shall cause such notices describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

What notice shall state.

SECTION 50. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication as the case may be, application will be made to a court commissioner of said county of Vernon for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Freeholders to be appointed.

SECTION 51. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary and proper to take said premises for the purposes specified in such application, and to ascertain the damages to be paid to the said owner or owners of said property proposed to be taken, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

City marshal shall serve precept.

SECTION 52. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a mem-

orandum of such substitution shall be endorsed on the precept.

Jurors shall view premises in a body.

SECTION 53. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether in their judgment it is necessary to take the premises in question for public use, the amount of damages to be paid the owner or owners, said property proposed to be taken; which said report, testimony and precept shall be returned to the common council who shall enter an order confirming the same.

In case there is a building on land.

SECTION 54. If there should be any building in whole or in part, upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice of determination to be given.

SECTION 55. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council either to accept the award of the jurors and allow such buildings to be taken, with the land appropriated, or their intention to remove such building as the common council may allow.

In case owner refuses to take building at value assessed.

SECTION 56. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to

the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors should be signed by them.

SECTION 57. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Vernon county by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge or court commissioner.

Damages to be paid before land can be appropriated.

SECTION 58. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner, or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

In case of infant.

SECTION 59. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the county judge of Vernon county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for

such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and may cause a profile thereof to be made and filed in the office of the clerk.

What property shall be subject to taxation.

SECTION 60. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the purpose of the city government, schools and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable. When the assessment roll shall be completed, the assessor shall return the said assessment to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be re-

levied, in such manner as it shall direct by ordinance.

What constitutes the city board of equalization.

SECTION 61. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

Duty of city clerk on receipt of corrected assessment roll.

SECTION 62. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered, a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The state of Wisconsin to the

city treasurer of the city of Viroqua, in the county of Vernon: You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Vernon, on or before the last Monday in January next, the sum of —— for state taxes, and the further sum of —— for county taxes, and the balance of said money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Vernon. Given under my hand and the corporate seal of the city of Viroqua, this —— day of ——, 18—. ——, City Clerk. The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

What laws are in force.

SECTION 63. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes except as herein provided.

Treasurer to give notice on receipt of tax roll.

SECTION 64. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods

and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city.

Fees of treasurer for collecting.

SECTION 65. The treasurer shall collect as fees for the collection of taxes, one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

State tax—when paid.

SECTION 66. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city.

In case treasurer cannot collect tax.

SECTION 67. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts in addition thereto.

Removal of paupers to poor-house.

SECTION 68. The paupers of said city shall be removed to the poor-house of the county of Vernon by the county poor superintendent in like manner as they are removed from the several towns in said county, and the present system for the care and control of the poor in said county shall in no wise be interfered with or affected by this act.

Apportionment of school money.

SECTION 69. The town clerk of the town of Viroqua for the year 1885, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1885, to the several districts, a part of which is embraced in the city of Viroqua, in the same manner as though this act had not been passed.

Jurisdiction of police justice.

SECTION 70. The police justice elected under this act shall have the same and equal jurisdiction and perform all and like duties of justices of the peace of the several towns of the state and shall qualify in the same manner as provided for justices of the peace in this act, and in addition to his

jurisdiction as justice of the peace he shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by the common council and in all actions in which said city is a party within the limit of jurisdiction of justice of the peace under the general law. The police justice shall be entitled to receive for his services the same compensation in fees, as is allowed by law to justices of the peace for similar services and such further compensation as the common council may allow and prescribe. In case of absence, sickness or inability of the police justice, the mayor may issue to one of the justices of the peace of said city a warrant instructing him to assume the duties of police justice; upon the receipt of said warrant to (the) justice of the peace shall perform the duties of police justice and have the authority and powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Recovery of all fines and penalties.

SECTION 71. The city of Viroqua, in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of this act or the chapter or section of this act, or the ordinance, by-law or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in case of tort, before a police justice, under the general statutes of the state for the time being; and when commenced by summons such summons may be substantially in the following form:

Form of summons.

County of Vernon, } ss:
City of Viroqua. }

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Viroqua.

You are hereby commanded to summon

——, if he shall be found in your county, to appear before the undersigned, a police justice, in and for the city of Viroqua, on the—— day of ——, 18—, at —— o'clock in the —— noon, to answer to the city of Viroqua, to the damage of said city, two hundred dollars or under.

Given under my hand, this —— day of ——, 18—.

—— ——, Police Justice.

Such summons shall be made returnable and served in the same manner, as is now or hereafter may be prescribed by the laws of this state, for the commencement of actions before police justices, by summons, and all the proceedings in the action except as hereinafter provided, shall be governed by the laws of this state, for the time being, relative to actions commenced by summons and triable before police justices. When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

The City of Viroqua, Against A. B. } In police court. C. D., Police Justice.

The plaintiff complains against the defendant, for that, on the —— day of ——, 18—, at the said city, the defendant did violate section —— of (this act), or section —— of an ordinance, or by-law, or regulation of said city (describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Viroqua, to recover of the defendant the sum of —— dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

Form of warrant.

City of Viroqua, against A. B. } In Police Court, County of Vernon, ss.

—— ——, being duly sworn, complains on oath to C. D., police justice of Viroqua, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of (this act) or section ——, of chapter ——, of (this act), or section —— of an ordinance, or by-law or regulation

of said city (describing it by its title), as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Viroqua therefor.

Sworn and subscribed this —— day of ——, 18—.

Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Vernon, } ss.
City of Viroqua. }

The state of Wisconsin to the sheriff or constable of said county, or to the marshal of the city of Viroqua:

Whereas, —— —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of this act, or section —— of chapter ——, of this act, or section —— of an ordinance, by-law or regulation of said city (describing it by its title); therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith to answer to said city of Viroqua, on the complaint aforesaid.

C. D., Police Justice.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. The defendant, if required by the court, shall recognize with security, to be approved by the court, for his appearance, in such sum as the court may direct, or, in default may be put in the charge of the officer who made the arrest, or to be committed to the lockup or jail of said city. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

Printed copy of ordinance, good authority.

SECTION 72. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, as certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

SECTION 73. In city prosecutions, the findings of the court shall be "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state. Findings of court.

SECTION 74. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act may appeal from such judgment to the circuit court of Vernon county in the time and manner provided by law for appeals from justices' courts. Appeals how taken.

SECTION 75. No person shall be an incompetent witness, judge or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Shall not work incompetency.

SECTION 76. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city, and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be. In case action is begun against the city.

SECTION 77. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Viroqua. Personal estate exempt for city obligation.

SECTION 78. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order. Contracts to be let.

Penalties how remitted.

SECTION 79. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by two-thirds vote of the aldermen elect.

City may hold personal estate.

SECTION 80. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

Deeds from the city.

SECTION 81. When the city of Viroqua deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Viroqua, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases to be executed by mayor.

SECTION 82. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution when so attached to such deed or lease, shall be recorded with such lease or deed by the register of deeds, and such copy when so attached, and the record thereof, shall in all the courts of this state be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

In case of failure to hold election at proper time.

SECTION 83. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city to be done by any officer, at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

SECTION 84. No general laws of this state con-

travening the provisions of this (act) shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this charter. No general laws shall repeal this charter.

SECTION 85. The board of supervisors of the county of Vernon shall have the right and shall regard the city of Viroqua as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall regard and receive the supervisors of the several wards of said city as a member of the county board. The said board of supervisors may levy tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks. City to be regarded as a town for equalizing purposes.

SECTION 86. Before the annual meeting of the board of supervisors of the county of Vernon, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting. Assessment roll, copy to be transmitted to county clerk.

SECTION 87. The county treasurer shall sell all delinquent lands and lots returned from the city of Viroqua, at the same time and in the same manner as other delinquent lands are sold in the county. Sale of delinquent lands.

SECTION 88. It shall be the duty of the county treasurer of the county of Vernon, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Viroqua, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent. Return of delinquent lands.

SECTION 89. The use of the jail of Vernon county shall be granted to the city of Viroqua, until otherwise provided, for the confinement of offenders; and every such offender shall be deliv- Use of jail of Vernon county

ered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases.

When connection between city and town shall cease.

SECTION. 90. From and after the first Tuesday in April, 1885, the connection between the town of Viroqua and that part of said town included within the limits of the city of Viroqua, for all town purposes, shall be dissolved; all that part of the town of Viroqua not included within the limits of the city of Viroqua, shall constitute the town of Viroqua, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Town may hold meetings in city.

SECTION 91. It shall be lawful for the town of Viroqua to hold its meetings and elections in the city of Viroqua and shall be lawful for the supervisors of said town of Viroqua to hold their meetings for the transaction of all town business at any proper place within said city, and the said town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers of their respective offices at some suitable place within the limits of said city; provided, that said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this section.

Village rights to be assumed by city.

SECTION 92. All actions, rights and penalties, fines and forfeitures in suit or otherwise which have arisen or accumulated under the several ordinances or acts incorporating the village of Viroqua shall be vested in and prosecuted by the corporation hereby created.

Boundaries of school districts.

SECTION 93. The school districts now embracing the present village of Viroqua, and a part of the town of Viroqua, known as school district No. 5, of the town of Viroqua, and school district No. 4, of said town, a portion of which is included within the boundaries of the proposed city of Viroqua, shall remain intact, and the same territory shall remain therein and shall be known as joint school districts of the town of Viroqua and the city of Viroqua, Nos. 1 and 2, respectively, and the management of school matters shall be the same as in joint school districts formed from towns in this state.

Town treasurer to pay over tax.

SECTION 94. The town treasurer of the town of Viroqua shall pay to the treasurer of the city of

Viroqua, on or before the 1st day of May, 1885, such a part of the tax of said town levied for general town purposes in the year 1884, as the assessed valuation of said city is a part of the assessed valuation of the town of Viroqua and the city of Viroqua combined.

City officers to receive compensation.

SECTION 95. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive as compensation for their services, such sum as the common council shall determine, and the common council shall, in the month of March, thereafter, determine by resolution, the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation, the said officers, and each of them, shall receive the same compensation as their immediate predecessor.

Plats of village to be adopted by city.

SECTION 96. The plats of the village of Viroqua and the additions thereto are hereby adopted as the plats of the city of Viroqua and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as the original plat of the village, now city of Viroqua, or the plat of Decker's addition to the village, now city of Viroqua, and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Village property to belong to city.

SECTION 97. All moneys, properties, effects and credits belonging to the present village of Viroqua shall belong to the city of Viroqua and shall be transferred to the proper officers of said city by the person in charge of the same, as soon as such officers shall be elected and qualified.

Lawful debts to be assumed by city.

SECTION 98. Any lawful debt, claim, demand or right of action against the present village of Viroqua shall be and become a lawful debt, claim, demand or right of action against the city of Viroqua, and any and all irregularities that may exist by virtue of re-incorporating said village, and the election or appointment of any and all officers and the acts of any and all officers and pretended officers of said village shall in no way invalidate or be set

up as a defense by the said city of Viroqua or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village.

Village officer to perform certain duties.

SECTION 99. All duties herein required of the mayor, alderman, common council or clerk in regard to elections, shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of Viroqua in regard to the first election and the organization of the city government under this act.

SECTION 100. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1884.

[No. 233, A.] [Published March 16, 1885.]

CHAPTER 73.

AN ACT to incorporate the city of Augusta.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries; also manner of conducting the first election.

SECTION 1. All that district of country described as follows: Commencing at the northwest corner of the southwest quarter of southeast quarter of section number thirty-two, in township number twenty-six north, of range number six west of the fourth meridian; thence running south on the quarter line through the center of section number five in township number twenty-five north, of range number six west, to the southern line of said section twenty-five; thence east on section line to the southeast corner of section number four in township number twenty-five north, of range number six west; thence north on section line to the northeast corner of the southeast quarter of the southeast quarter of section number thirty-three in township number twenty-six

north, of range number six west; thence running west on the one-eighth line through the center of the south halves of the above named sections thirty-three and thirty-two to the place of beginning, making an area of thirty forties or twelve hundred acres, according to government survey and being in the town of Bridge Creek, Eau Claire county, shall hereafter be known and designated as "The City of Augusta," and the inhabitants residing or who may hereafter reside within the limits of said city are hereby constituted a body corporate by the name of "The City of Augusta," and by that name they and their successors, forever, hereafter, shall and may have perpetual succession and shall be in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended in their corporate name in all courts and places and in all suits whatsoever with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure; provided, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question the qualified electors residing in such territory shall meet on Monday, the twenty-third day of March, 1885, at ten o'clock A. M. of that day at such place as the inspectors of such election shall appoint and vote by ballot upon such question. The president and any two trustees of the village of Augusta are hereby appointed inspectors of such election, and the village clerk of Augusta is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in a newspaper printed in the village of Augusta, or by posting the same in two or more public places in each ward of the proposed city, at least five days before such election. Such notice shall specify time, place and object of such election, the time of opening and closing the polls. At such meeting the polls shall be opened at ten o'clock A. M. and kept open until five o'clock P. M., when they shall be closed. In case of vacancy in the board of inspectors, the electors present shall choose, *viva voce* from the

qualified electors of such territory inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election and all the laws of this state applicable to the election of village officers shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for village officers in said village of Augusta, or town officers in the town of Bridge Creek may vote at such meeting by a ballot having thereon the word, "Yes," or the word, "No," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of ballots cast at such election have thereon the word, "No," this act shall be inoperative and void. If a majority of such ballots have thereon the word, "Yes," this act shall be of full force and effect. The said inspectors shall make and certify returns of the result of such election and file duplicates of the same in the office of the county clerk of the county of Eau Claire and the town clerk of the town of Bridge Creek and the village clerk of the village of Augusta, and such returns shall be evidence of the facts therein stated and the regularity of all proceedings in relation to such election.

Ward boundaries.

SECTION 2. The said city shall be divided into four wards as follows: The portion lying east of the centre line of Stone street continued to the north boundary line of said city and north of the centre line of Lincoln street continued to the east boundary line of said city shall constitute the first ward. The portion lying west of the center line of Stone street continued to the north boundary line of said city and north of the center line of Lincoln street, continued to the west boundary line of said city shall constitute the second ward. That portion lying west of the center line of Stone street continued to the south boundary line of said city and south of the center line of Lincoln street continued to the west boundary line of said city shall constitute the third ward. The portion lying east of the center line of Stone street, continued to the south boundary line of said city and south of the center line of Lincoln street continued to the east boundary line of said city shall constitute the fourth ward.

SECTION 3. The annual election for city and ward officers shall be held on the first Tuesday of April in each year at such place as the common council shall designate and provide and the polls shall be kept open from ten o'clock A. M. until four o'clock P. M. The city clerk shall give at least six days' notice of such election, stating time and place of holding the same, the officers to be elected thereat and also of any special action to be taken or asked at such meeting by causing the same to be printed in one or more papers published in said city of Augusta, or by posting copies of such notice in two or more public places in each ward of said city. If notice be given by newspaper publication as aforesaid, the city clerk shall file a copy of the paper containing such notice, in his office; if giving by posting notices as aforesaid, the city clerk shall attach to the original notice his certificate, stating the time of posting notices, and the number posted in each ward, and the places of posting the same, and file such original notice with such certificate attached in his office. Annual election when held.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of four members who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. Corporate authority in whom vested.

CHAPTER II.

ELECTIVE OFFICERS, ETC.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, two justices of the peace, one police justice and one constable for the city at large, and one alderman and one supervisor for each ward. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council. Election of office.

SECTION 2. All elective officers, except justices of the peace and police justice, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and Term of office.

have qualified; said justices of the peace and police justice shall hold their respective offices for two years, except as hereinafter provided.

Elective officers to be qualified electors.

SECTION 3. All elective officers shall be qualified electors of said city, and the mayor, assessor, and aldermen shall be freeholders in said city.

Inspectors of election to be nominated.

SECTION 4. All persons qualified to vote at general elections for state officers, and who shall have been residents of said city for at least ten days next preceding any election shall be legal voters for any officers required to be elected by this act, and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote does not possess the qualification of an elector under this act, the inspectors shall decide upon the challenge or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections.

Board of inspectors of elections.

SECTION 5. The mayor of the city of Augusta shall nominate to the common council of said city at their first regular meeting in April of each year, and in case there be no such regular meeting, then at a special meeting which shall be held on the last Tuesday of said month, two inspectors of election and two clerks for each ward therein, who together with the alderman of said ward shall constitute the board of inspectors of election for their respective wards; and the alderman for each ward shall be the chairman of the board of inspectors for said ward; said common council shall immediately approve or disapprove such nominations, and in case of disapproval of any person so nominated such mayor shall immediately nominate another person for such position, and shall so continue to do until two inspectors and two clerks shall have been nominated and confirmed for each ward, at such meeting. The persons so appointed inspectors and clerks shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election held within their respective wards during such term. Such inspectors shall fill any vacancies in their number or in the number of such clerks. Every person so nominated and confirmed as an inspector or clerk shall be an elector of the ward for which he is appointed, shall be able to read and write the English language understandingly, and

shall not be a candidate to be voted for at any election for which he is so appointed, and not more than one of such inspectors so nominated and confirmed shall be of the same political party, and the clerks shall be of opposing political parties, and when appointed to fill a vacancy, shall have the same qualifications and belong to the same political party as the person he succeeds. If at the time fixed for the opening of the polls on the day of any election such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by removal of residence from such election district or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by *viva voce* vote and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases constitute an election.

Ballot boxes numbered.

SECTION 6. The common council of said city shall provide four ballot boxes, numbered one, two, three and four, to correspond with the wards aforesaid, to be used at all elections under this act.

Elections shall be by ballot.

SECTION 7. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed. When two or more candidates of an elective office shall receive the highest and an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council, and at such time and in such manner as the common council shall direct.

Penalty for illegal voting.

SECTION 8. If a person who is not a qualified voter of said city shall wilfully and knowingly vote at any election, or if any person shall vote more than once at any election, he shall forfeit and pay a sum not exceeding fifty dollars, and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting. If any inspector shall knowingly and corruptly receive the vote of any person not author-

ized to vote, or shall make out false returns of an election, or if any clerk shall wilfully omit to write down the names of every voter as he votes, or shall wilfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof, shall forfeit and pay a sum not exceeding five hundred dollars or less than one hundred dollars.

Counting votes, etc.

SECTION 9. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every office, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. As soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45, of the revised statutes.

Election of aldermen.

SECTION 10. At the first election held under this act one alderman shall be elected for each ward to serve one year, and thereafter at each annual election, one alderman from each ward shall be elected to serve for one year, and the first election under this act shall be held at such place as shall be designated and provided by the president and trustees of the village of Augusta, any four of which shall act as inspectors of such election, appoint clerks thereof, prescribe the manner of conducting such election, and shall canvass and make returns of the result as provided by this act, and the general laws of this state; and the village clerk of Augusta shall give the notice thereof, as required by this act; and all duties required by this act of the common council in regard to elections, shall be performed so far as may be necessary by the said president and the trustees of the village of Augusta, and the clerks appointed by them in regard to the first election, and the organization of the city government under this act.

City clerk how elected.

SECTION 11. At the first regular meeting of the common council in each year, or as soon thereafter as may be, said council shall elect a suitable person for city clerk.

Power of expulsion.

SECTION 12. The common council shall have power for due cause to expel any of their number. The mayor shall have power to suspend the marshal or any other police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council, by a two-thirds vote of the aldermen elect, the accused in all cases to be heard in his defense, with privilege of introducing such witnesses in his behalf as may be allowed according to the rules of evidence in courts of law.

What is deemed a vacation in office.

SECTION 13. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

In case of vacancy, order of new election.

SECTION 14. Whenever a vacancy shall occur in the office of mayor, police justice or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Special elections how held.

SECTION 15. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections and within such time as may be prescribed by ordinance.

Supervisor to represent each ward to be elected.

SECTION 16. A supervisor to represent each ward of said city in the county board of supervisors of Eau Claire county shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected, and in case for any reason the said supervisor shall be incapacitated or unable to attend any meeting of said county board of supervisors, the aldermen of his said ward shall perform the duties of said supervisor, and for the time being shall, for all purposes, be a member of said county board. No supervisor shall receive any compensation from the city for any of his services, unless such service be specially authorized by the common council, and provision for the payment of the same be made by them.

CHAPTER III.

OFFICERS AND THEIR POWERS.

Officers and their powers.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace and police justice, shall before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same, duly certified by the officer taking the same, with the city clerk, and the marshal, constable, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Augusta a bond with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or exemptions, and said bond shall contain such penal sums and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond with at least two sureties. The penal sum, expressed in such bond, shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount, over and above all debts, liabilities or exemptions, and the aggregate of such shall, at least, exceed the penal sum specified in such bond.

The council may from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and police justice shall qualify in the same manner as in towns, except that their bonds shall be approved by the common council.

Duties of mayor prescribed.

SECTION 2. The mayor shall when present, preside over the meetings of the common council. He shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police force of the city; and in case of riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie.

President of council elected

SECTION 3. At the first meeting of the council, after its election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor, but the president of the

council or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever which the mayor theretofore has refused to sign.

Clerk, his duties defined.

SECTION 4. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose, and perform all necessary acts required of town clerks. Whenever the clerk and his deputy shall be absent from any meeting, the common council may appoint a clerk *pro tem.*, who, for the time being, shall be vested with the powers and duties of the clerk. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointments in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Duties of the treasurer defined.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him, by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in suitable books to be provided for that purpose, and in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties,

and be subject to the same liabilities as treasurers of towns.

Duties of city marshal defined.

SECTION 6. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve all writs and processes in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor, common council or ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment, or afterwards, allow him such further compensation than above described, as it may deem just.

Powers of council.

SECTION 7. The common council may, at its first meeting elect a city attorney to conduct the law business of the corporation, but the council may omit such election, and when necessary, provide or employ such an attorney or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor and any member or committee of the common council. It shall also be the duty of the city attorney, when

required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances, and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon, for services rendered.

Other and further duties required of officers.

SECTION 8. The common council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, approved by the mayor. For the year 1885, such compensation shall be fixed by the common council, within ten days after it shall organize, and the notice of the first election held under this charter, may be given by the acting village clerk, and the inspectors thereof may be appointed by the persons acting as the board of trustees of the present village of Augusta.

Penalty for failure to deliver.

SECTION 9. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall not be interested in any job or contract.

SECTION 10. No mayor or alderman shall be a party to, or interested in, any job or contract with the city, and any contract in which they or either

of them, may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for, and recover the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same, or either, or any of them.

Who are officers of the peace.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, police justice, marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders and other citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of five dollars ($5.00); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section shall direct the proceedings.

Actions may be brought before a justice of the peace.

SECTION 12. All actions brought to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to pay poll tax which shall be paid over on demand to the street commissioner. Each justice of the peace and police justice shall report to the common council on the first Monday in January, April, July and October in each year a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

How an officer may resign.

SECTION 13. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

No city officer shall be surety on bond.

SECTION 14. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any

officer, required to give bonds as aforesaid, enter upon the duties of his office until such bond shall have been filed or approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council; and the style of all ordinances shall be: "The mayor and common council of the city of Augusta do ordain." The common council shall hold its first annual meeting each year on the third Monday in April and thereafter stated meetings upon the first Monday of each and every month during the year. A majority of the aldermen shall constitute a quorum.

Special meetings.

SECTION 2. The common council shall hold special meetings by order of the mayor or written request of two aldermen by notice to each of the members, to be served personally or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct; and by a vote of two-thirds of its members, may expel any member for cause.

Council shall have management and control of finances, etc.

SECTION 3. The common council shall have the management and control of the finances, and of all property of the city; and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health thereof, as it shall deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules or by-laws, and such ordinances,

rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law.

License and regulate.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, and to grant licenses and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors; and may prohibit and suppress the same, provided that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises, and the sum to be paid for any license for selling spirituous, vinous or fermented liquors not to be drank on the premises, shall not be less than the minimum nor greater than the maximum sums to be paid for any such licenses as fixed by the general excise laws of the state of Wisconsin; and, provided further, that druggists doing business in said city as such may be granted licenses for the sale of spirituous, vinous or fermented liquors to compound medicines in filling medical prescriptions only, for the sum of twenty-five dollars, such prescriptions to be drawn by practicing physicians in their regular practice. No license for the sale of spirituous, vinous or fermented liquors granted under the provisions of this act shall be granted for a longer term or period than one year, to run from the first day of May in each year; provided, however, that when any such license shall be applied for after that date the same may be granted to expire on the first day of each year, on the applicant paying *pro rata* therefor.

Gaming and fraudulent devices.

2nd. To restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice and other games of chance, for the purpose of gaming, in said city; and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors or

drinks, unless duly licensed by the common council.

Prevent riots, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleanse nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Location and management of slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and to regulate the storage, safekeeping and conveying of gunpowder or other combustible materials.

Prevent incumbering of streets.

6th. To prevent the incumbering of streets, sidewalks, lanes, alleys and bridges with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, shingle, bolts or other material or substances of whatever name or kind upon the bridges of said city.

Horse racing, etc.

7th. To prevent horse racing and immoderate riding or driving in the streets and upon any and all bridges, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle, etc.

8th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Restrain dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, if such animal shall be found out of the inclosure or immediate care of its owner or keeper, and to impose fines and penalties upon such owner or keeper for the violation of any ordinance of said city restraining dogs from running at large.

10th. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substances.

11th. To regulate, license and suppress omnibuses, hacks, cabs, drays and carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city. License omnibuses.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and return the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks. Damage to sidewalks.

15th. To prevent shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of fire-arms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkards, etc.

17th. To restrain and regulate runners and solicitors for stages, public houses and other establishments, and to make rules and ordinances for the government and regulation of the police of said city. Runners and solicitors.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. Public markets, etc.

Butchers' stalls and stands.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Fuel and hay.

20th. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Remove rubbish.

21st. To compel the owners or occupants of buildings or grounds, to remove snow, ice, dirt, ashes, or rubbish from the sidewalks opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owners or occupants.

Contagious or infectious diseases.

22d. To regulate, control and prevent the landing or passing through said city of persons from cars or stages who are infected with contagious or infectious diseases or disorders; and to make such disposition of such persons and their property as to preserve the health of said city.

License auctioneers.

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers and transient dealers or the payment of a license or both, as the common council shall determine.

City clerk, watchmen and policemen.

24th. To appoint the city clerk, watchmen and policemen and prescribe their duties.

How ordinances shall be passed.

SECTION 4. All laws, ordinances, regulations, and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor, and shall be published once a week, for two successive weeks, in the newspaper selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper,

and the said affidavit shall be recorded therewith; and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

When ordinance shall take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Power of veto by mayor.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution, passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by (section) two of this chapter, to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection, or such filing with the clerk, re-enact such ordinance or pass such resolution by the vote of three of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

Reconsidering votes.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Shall not bar or hinder suits.

SECTION 8. The power conferred upon said common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses or houses of ill-fame, are hereby declared and shall be deemed a public or common nuisance.

Duties of common council.

SECTION 9. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such time as it

may deem proper, also at the end of each year; and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties in pursuance of this section, or shall wilfully neglect or refuse to render his accounts, or present his moneys, books and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Standing committees.

SECTION 10. The mayor at the first regular meeting of the common council in each year shall appoint standing committees as follows: On streets and sidewalks, on bridges, on accounts, on finances and taxation, on ordinances, on fire department and public buildings and grounds, from the common council; and also a board of health and fire wardens from the members of the common council or otherwise, and such other committees as the ordinances of said city or common council may determine.

No compensation.

SECTION 11. No compensation or salary shall be paid to the mayor or any alderman of said city except for services as inspectors of election and on board of review.

Work to be let by contract to lowest bidder.

SECTION 12. All contracts for work ordered by the common council of said city, in which the amount thereof shall exceed the sum of one hundred dollars, shall be let to the lowest reasonable and responsible bidder who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Augusta in the penal sum equal to the amount of the bid, which bond shall be signed by the bidder and by a responsible surety or sureties, who shall justify that he is worth the sum mentioned in such bond, over and

above all his debts, liabilities and exemptions; such bond shall be conditioned that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties, to perform the work specified; and in case of failure, said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Opening streets, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge and extend the same, and to use the land in said city for the purposes of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land in case such owner or owners shall reside in the county of Eau Claire, and to the occupant or occupants of such land, if any there be, which notice may be served personally, or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of

Augusta, for four successive weeks, at least once in each week.

What said notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Eau Claire, or a court commissioner in and for said county, and if the latter, stating his name and residence, for the appointment of six jurors to view said premises and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages; but the officer to whom such application is made must not be an owner or otherwise interested in any of the lands proposed to be taken or used.

Duties of judge upon presentation of notice.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council whether, in their judgment, it is necessary to take or use said premises for the purpose specified in such application.

In case some jurors are disqualified.

SECTION 4. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to proceed in a body.

SECTION 5. The said jurors having first taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which [shall] state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept, shall be returned to the common council within the time limited therein. Opinion of jurors—how stated.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited such damages to the common council; and after the jurors shall have made their report, as to the taking or use of any lands or premises under this act, and the same has been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above. In case the jurors report favorably.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors before proceeding to make assessments shall first estimate and determine the whole value of each building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove. In case there should be a building on land.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by the publication in a newspaper published in said city for three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and Ten days' notice of determination to be given.

allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

In case the owner refuse to take the building.

SECTION 10. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Said jurors to examine the premises.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages to be assessed by jurors.

SECTION 12. The jurors shall assess the damages to every person separately so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

In case land or buildings be-

SECTION 13. If the lands or buildings belonging to different persons, or be subject to lease,

judgment or mortgage or other incumbrance, or if there be any estate in it less than an estate in fee, to such person, or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements. long to different parties.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited, in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city. Award to be signed by jurors.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded to the owner thereof, shall be paid or tendered to the owner or his agent, or in case said owner or agent cannot be found or is unknown, deposited to his, or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used, and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains. Damages to be first paid before land is appropriated.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract, or incumbrance, shall be taken or used by virtue of this act, all the covenants, contracts, engagements or liabilities relating to the same or any part thereof shall after the expiration of the time for appealing, as hereinafter provided, respectively cease and be absolutely discharged. Covenants and abstract discharged on land taken.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used; In case a part is taken only.

but shall remain valid as to the residue thereof, and the rents, considerations, liens and payments reserved payable and to be paid for in respect to the same, shall be so proportioned that the part thereof, justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for, or in respect to the same.

Damages assessed to be tendered.

SECTION 18. The damages assessed on each separate lot or tract shall be paid, tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void.

In case owner be an infant in law.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under disability, the judge of the circuit court of Eau Claire county, or the county judge, may, upon the application of the common council, or such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors to take oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after return of the precept above mentioned, the county judge or court commissioner shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal may be taken to circuit court.

SECTION 21. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Eau Claire county from the decision of said jurors so far as it affects the interest of said appellants. Notice of said appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall

file such notice of appeal, they shall, before the trial thereof, give a bond in such sum, and with such sureties as shall be approved by said court conditional to pay all costs of said appeal if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case the amount of damages changed by court.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

Survey of streets to be made.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacating streets, etc.

SECTION 24. No street or alley or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs, but the boundaries of streets may be changed upon petition to the council by the parties interested.

Shall not apply to unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Only directory.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VI.

POLL TAX.

Poll tax.

SECTION 1. The common council of said city shall have, and it is hereby granted power to tax annually, each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed

one dollar and fifty cents to be denominated a poll tax, and to be appropriated to the improvement of streets, roads, alleys and crosswalks in said city.

Duty of city clerk in making out poll tax list.

SECTION 2. On or before the twentieth day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll-tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of the city, or police justice, and in default of payment of such judgment, execution shall issue against the defendant as in the cases of tort, and the first process in such action shall be by civil warrant; provided, the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the treasurer or street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax, as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

Street commissioner to be chosen.

SECTION 3. The common council shall, at their first meeting for organization in each year, choose by ballot a street commissioner who shall in addition to the collection of the poll tax, as above provided, under the direction of the common council, expend the same on the streets, bridges, cross-

walks, and highways in said city. And the common council may, by resolution, direct the expenditure of, not to exceed one-third, of the poll tax, upon the highways leading into said city outside of the corporate limits.

Street commissioner to give bond.

SECTION 4. Every street commissioner hereafter appointed by the common council, shall, before entering on the duties of his office, give a bond to the city of Augusta, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council, whenever required by law, or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse or pay over as required by law, or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of office of street commissioner.

SECTION 5. Every street commissioner shall hold his office for the term of one year from the second Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require.

Compensation of street commissioner.

SECTION 6. The street commissioner shall receive such compensation as the common council shall fix upon for his services, which may be by a per diem, or percentage upon the tax collected and expended, as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed except in the manner heretofore prescribed for changing compensation of other officers.

May be removed for cause.

SECTION 7. The street commissioner shall hold his office for the term as stated in section 5, unless sooner removed by the common council for causes which may, by a majority vote of the council, declare his office vacant, after giving him due notice

and an opportunity to be heard, and appoint his successor, who shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed.

Return of unpaid taxes.

SECTION 8. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return by the overseer of highways in towns.

Accurate surveys shall be made.

SECTION 9. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Eau Claire.

Surveys and landmarks to be prima facie evidence.

SECTION 10. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state. The common council of said city is also hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be named as an out-lot, and shall be designated as such with a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take acknowledgments of deeds, by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Eau Claire county.

Plat to be known as assessor's subdivision of land in the city of Augusta.

SECTION 10a. The said plat shall be called and known as "assessor's" subdivision of lands in the city of Augusta, and for the purpose of assessment and taxation, it shall be deemed a sufficient description of any piece of land described and des-

ignated in said plat, to designate the same as "out-lot," with its number, as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state, by reason of the non-payment of any tax hereafter assessed, shall be as valid and effective to pass the title to the lands therein described as it would be if the same premises had been described by metes and bounds, and the said plat, or record thereof, shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated, named and numbered. In the making of said plat there shall be an accompanying descriptive list, which shall be recorded in the office of the register of deeds, and also in the city clerk's office. Each out-lot given a number on said plat shall be described in said descriptive list with sufficient certainty to enable a surveyor to locate the same. Each tract of land which has a separate ownership known to the mayor and clerk, may be divided into two or more out-lots, if deemed advisable in the making of said plat. Amendments may be made to the plat at any time by the mayor and clerk, by filing with the register of deeds a plat of the amendments and an accompanying descriptive list, which said descriptive list amending the plat shall also be filed with the city clerk, and be recorded both by the register of deeds and the city clerk. The map and descriptive list thus amending the plat, shall show in what manner any out-lot or out-lots is affected by the amendment. The major portion of any out-lot which is altered by the amendment shall retain the original number given to the out-lot, and a new number shall be given to the tract that may be detached. In describing any piece or parcel of land by the assessor in making the assessment roll, or in any deed, it shall not be necessary to refer to any amendments of the plat, but all such assessments or deeds wherein any parcel or tract of land is described as being according to the "assessor's plat" or "assessor's subdivision of land," shall be construed and held to mean the "assessors subdivision of lands" with its amendments, as it stood at the date of making such roll, deed or other instrument.

SECTION 11. The common council may, at such

May establish grade of streets.

time as it may deemed proper, establish the grades of all streets, alleys and sidewalks of said city, or any, or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of register of deeds of Eau Claire county, and should the grade, so established, be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioner of said city from ordering or causing to be done, the grading of any street to a temporary grade, to be established by such commissioner.

Grading, paving, etc.

SECTION 12. The common council may cause any street, or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or built when necessary without petition.

Improvement of streets and sidewalks.

SECTION 13. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property, to the center of the street or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder of such expenses shall be paid from the city treasury; every such tax for repair shall be for the

entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

Levy of taxes how made out.

SECTION 14. Whenever the common council shall levy any such tax, as specified in the preceding section, it shall make out and deliver to the street commissioner of such city, a list of the persons, and a description of the property taxed, together with a warrant, signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the date thereof, when the person charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax, may at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided, the labor or materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction.

Accounts to be kept in a book.

SECTION 15. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom labor or money is due, the amount received and disbursed by him, the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner; the book containing the account so kept, shall at all times when required be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, to be filed in his office for the inspection of the tax payers of said city.

Certified list to be made out.

SECTION 16. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk, a certified list of the lots, pieces or

parcels of land in said city upon which any tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with, and in the same manner as other taxes in said city.

Returns of delinquent lands.

SECTION 17. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Repair of sidewalks how effected.

SECTION 18. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of five dollars in front of any one lot to repair the same, it shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Augusta, for payment, and if the owner of such lot, piece or parcel of land shall neglect or refuse to pay the same for ten days, then the clerk shall report the same to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes levied for the construction of sidewalks and gutters. In case the owner of such lot, piece or parcel of land does not reside in the city of Augusta, the said commissioner shall return said account to the common council with his certificate stating that fact; and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Setting out trees, etc

SECTION 19. The common council shall have power to require the owner of any lot or parcel of ground in the city, to set out ornamental trees,

on the street or streets fronting on the same, and on default thereof to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expenses of the same.

CHAPTER VII.

FIRE DEPARTMENT.

Guarding against the calamities of fire.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building, or buildings of other material that shall not be considered fire-proof, shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of such fire-proof material, and in such a manner as they may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Power to regulate the construction of chimneys, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure position, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to damage thereat, and generally to establish such regulation

for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter, and the ordinances under it by suitable penalties.

Shall have power to purchase fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and to prohibit their meeting as such when disbanded. Each company shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state, or with the ordinance and regulations of the city. Each active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for five years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire tax to be raised each year.

SECTION 4. The common council shall have power to raise a tax each year not exceeding two mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes.

CHAPTER VIII.

SCHOOLS.

School district number three shall not be affected by this act.

SECTION 1. The joint school district number three of the town of Bridge Creek, now embracing the village of Augusta and a part of the town of Bridge Creek, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of said school district shall hereafter be school district number one, of the city of Augusta; provided, that the common council of said city and the town board of said town may alter said school district by setting off from it the territory in said town

onto other school districts in said town, in the same manner that the common council of cities, the trustees of villages and the town boards of towns may now alter school districts, which lie partly in a city or village incorporated by special act, and partly in an adjoining town or towns, under the provisions of the revised statutes of 1878, and the amendments thereto.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

Adjustment of accounts.

SECTION 1. It is hereby made the duty of the common council of said city, and the board of supervision [supervisors] of said town of Bridge Creek, to meet together at some convenient place on or before the first Monday of May, 1885, upon notice given by either body, and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing, made necessary by the organization of said city, out of the territorial limits of the town of Bridge Creek.

In case they cannot agree.

SECTION 2. If the common council of said city and board of supervisors of said town, shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the judge of the circuit court in and for the county Eau Claire, upon application made to him by either of said bodies, five days' notice having been given to the other body previously thereto, to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be after their appointment, and filing with the clerk of the circuit court in and for said county of their oaths to faithfully and fairly adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof, in common with said town; make a full and complete settlement or adjustment of all matters between

said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town.

Amounts found due shall be paid to the proper officers.

SECTION 3. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Bridge Creek from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same, but if it shall be found upon such settlement that there is any amount due to said city from any portion of territory outside of said city limits which was an organization from which said city was formed, that portion of said territory, so owing said part of said city, shall pay the amount to the city treasurer, and in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof, so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state, for the collection of debts against towns, cities and villages.

Connection between town and city dissolved.

SECTION 4. The connection between the town of Bridge Creek and that part of said town included within the city limits, for all purposes is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Augusta, shall be performed by the aldermen, mayor and other officers of said city, except as herein otherwise provided.

Use of jail of county for city.

SECTION 5. The use of the jail of Eau Claire county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders; and every such offender may be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Electors privileged to meet in city of.

SECTION 6. The electors of the town of Bridge Creek shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Augusta as they may determine, and the officers of said town of Bridge Creek may transact all the town business, and keep all town records in said city, and with like effect as if held or done or kept in the town of Bridge Creek.

SECTION 7. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a majority vote of all the members elect of said council. Amount that may be appropriated.

SECTION 8. The plats of the village of Augusta and the additions thereto are hereby adopted as the plats of the city of Augusta and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats as, "The original plat of the village, now city of Augusta," or "The plat of Stone's addition to the village, now city of Augusta," and in like manner with plats of other additions, or in any other manner so as to describe the land with reasonable certainty. Plats of the village of Augusta adopted by city.

SECTION 9. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council shall fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances, by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed. Failure to hold election does not abolish corporation.

SECTION 10. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and ordinances, by-laws and police regulations of the common council of the city and in cases of contempt, the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgments, the same as the justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of the police justice, the mayor, by warrant may authorize any justice of the peace within the city to perform the duties of the police justice. Police justice to have sole jurisdiction.

Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Police justice not disqualified for holding the office of justice of the peace.

SECTION 11. The police justice by reason of his office is not thereby disqualified for holding the office of justice of the peace. The jurisdiction of the justices of the peace of the city of Augusta shall be co-extensive with the county of Eau Claire.

Work of prisoners on public grounds.

SECTION 12. If the mayor of the city shall at any time, deem it for the interest of the city, he may employ and work the prisoners so committed outside the jail or yard, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment, will prevent their escape, and the keeper or custodian of the common jail of said county, shall upon the order of the mayor of said city deliver the prisoner or prisoners in such order named and described to the keeping and custody of such person or persons, in said order directed, and receive and securely confine such prisoner or prisoners, when returned by such person or persons as aforesaid, and said order shall remain good, and be in force until revoked by the mayor or common council of said city.

CHAPTER X.

AUDITING ACCOUNTS.

No account shall be paid until audited.

SECTION 1. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items, and verified by affidavit indorsed or annexed, that the same is just, true and correct and no part thereof paid (or if paid in part except as therein stated) and that said account has not been presented before. When an account shall have been audited, the clerk shall indorse on each account the word, "allowed," or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account

allowed in whole or in part, shall, with the affidavits thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment thereof; and the clerk shall take receipts for such order.

Respecting borrowing money.

SECTION 2. Neither the common council nor any officer of the city, shall issue, at any time, any negotiable order, or borrow any money except in the manner and for the purpose expressly declared by statute or this act; but the common council may, in temporary necessity, by a unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of any such order, the city tax for the same year or a sufficient amount thereof, shall stand irrevocably pledged.

Citizen's property shall not be taxed to satisfy judgment against city.

SECTION 3. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein, shall be levied on or sold by virtue of any execution, issued to satisfy any judgment against said city.

Defective sidewalks, liability for.

SECTION 4. Neither the said city, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city unless the street commissioner or common council shall have first had actual notice of such defect or insufficiency, and reasonable time thereafter to repair the same or place the same in good order.

Limiting time of commencing action in tort.

SECTION 5. No action in tort shall lie or be maintained against the city of Augusta, unless a statement in writing, signed by the person injured, of the wrong and time, place, and circumstances thereof, and amount of damages claimed, shall be presented to the common council within thirty days after the occurring or happening of the tort alleged.

Proper notice to be given before commencing action.

SECTION 6. Action in tort for injury to the person shall not lie or be maintained against said city, unless through notice and permission by the person claiming injury, the mayor or common council has been enabled by a physician of his or their appointment, to make personal examination of the alleged injury within thirty days, after the time of its infliction, and until the amount of damages is adjusted, such examination may be repeated as often as required by the mayor or common council.

Claim must precede action.

SECTION 7. No action shall hereafter be maintained by any person against the city of Augusta, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

How appeal may be taken.

SECTION 8. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council, to the circuit court of Eau Claire county, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to such city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Due notice to be given to mayor and council.

SECTION 9. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the ordinance or resolutions of said council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with its decisions thereon, and shall file the same together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Eau Claire, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by

said council exclusive of interest, upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Determination to be final and conclusive.

SECTION 10. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim to it, this duly presented chapter shall not be construed as to prevent the institution and maintenance of action by said claimant against said city.

CHAPTER XI.

FINANCE AND TAXATION.

Funds under control of common council.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasury shall specify the purpose for which they are drawn and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof.

No debt can be contracted without authority.

SECTION 2. No debt shall be contracted against the city, or any order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council, whenever the same shall be asked for by any one member, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act, and for the payment of indebtedness now existing. The common council shall have power to, and shall levy annually, to defray the current ex-

penses of said city, a sum sufficient for that purpose; provided, that the amount to be raised in any one year, for general city purposes, other than state, county and school taxes, and interest on bonded indebtedness of said city, as authorized by law, shall not exceed three per centum of the taxable property in said city, as shown by the last assessment.

Forfeitures and penalties to be paid into treasury.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses of any nature or kind, issued by authority of this act, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of three of the aldermen elect.

All property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon the township assessors, except as far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors.

Law governing the assessor.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Board of review.

SECTION 6. The mayor, clerk and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the first Monday in June, in each year, and shall proceed in all respects as town boards are by law required to proceed.

City regarded as a town for equalizing purposes.

SECTION 7. The county board of supervisors shall have the right and shall regard the city of Augusta as a town, in equalizing the assessment rolls of the several cities and towns in Eau Claire county, as provided by law; but in such equaliza-

tion shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Duty of board of supervisors in relation to taxes.

SECTION 8. The said board of supervisors may levy a tax or taxes as now is, or may thereafter be provided by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, and said city shall be regarded as a town, except as herein otherwise provided.

Statement of the amount of taxes to be made.

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any of previous years, and all special taxes levied by the common council since making out the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract, or lot of land, or person named therein, which statement shall be called, "the tax list of Augusta," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the record of the common council.

Tax list to be prima facie evidence.

SECTION 10. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to the assessing or levying of taxes, from the election of officers to the completion of tax list inclusive, has been done regularly, correctly, and as required by law.

Duplicate copies of tax lists to be made.

SECTION 11. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as

soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer shall collect taxes.

SECTION 12. The city treasurer, upon receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. upon all taxes paid to him before the tenth day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full of all services performed by said treasurer, under this act or the ordinances of sail city.

Delinquent tax list to be returned.

SECTION 13. On or before the tenth day of February of each year, unless the time be extended as provided by law in section 1108, chapter 49, of the revised statutes of 1878, provided said extention shall not exceed forty-five days after said tenth day of February, the city treasurer shall make out and return to the treasurer of Eau Claire county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

County treasurer to sell delinquent lands.

SECTION 14. The county treasurer shall sell all delinquent lands and lots returned from the city of Augusta, at the same time and in the same manner as other delinquent lands are sold in the county.

Directions only directory.

SECTION 15. All the directions hereby given, except in section 9, of this chapter, for the assessing of lands and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

SECTION 16. In addition to the amount herein limited for taxes, for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner, as in case of the annual city election. Special taxes may be levied for fire-engines.

SECTION 17. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit. Treasurer to report deficiency of money.

SECTION 18. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law. Order in which taxes should be paid.

SECTION 19. The common council shall meet on Monday evening two weeks previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term. Last meeting of council to finish business.

SECTION 20. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interest and profits arising from such investment, shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for, provided, however, that the pro- Use of surplus funds.

visions of this section, shall in no manner apply to the school fund, which shall be held by the treasurer as a separate fund, and paid out only to the school district treasurer.

Bridge tax may be levied.

SECTION 21. The common council may also, when occasion shall require, levy a special tax, not to exceed five mills on the dollar of the taxable property of said city, for the purpose of building or repairing bridges; such tax to be levied in the same manner, and collected in the same way, and at the same time as the general city tax for that year.

CHAPTER XII.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture, under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinances, by-laws or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process should be by summons.

SECTION 2. In all prosecutions for any violation of the provisions of this act, or any by-laws, ordinances or regulations, the first process shall be a summons, unless oath be made of a warrant, as in criminal cases before a justice of the peace, under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Eau Claire, } ss:
City of Augusta. }

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Augusta.

You are hereby commanded to summon —— —— if he shall be found within your county, to appear before the undersigned, a justice of the peace within and for said city, at my office in said city on the —— day of ——, A. D. 18—, at —

o'clock in the —— noon, to answer to the city of Augusta, to the damage of said city, two hundred dollars or under.

Given under my hand this ——day of ——18—.

C. D., title of office.

How returnable.

SECTION 4. Such summons shall be made returnable and served in the same manner, as is now or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons the complaint may be substantially in the following form:

The city of Augusta against —— in justice court, before C. D., justice of the peace.

The plaintiff complains against the defendant, for that the defendant on the —— day of —— 18—, at the said city, did violate section —— of chapter —— of this act (or section —— of an ordinance or by-law or regulation of said city, describing it by its title and stating cause of action) which said —— is now in force. By reason of such violation an action hath accrued to the city of Augusta, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of warrant.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

City of Augusta, Pltff. against A. B, Deft. } Before C. D., police justice of the city of Augusta.

Eau Claire County —— ss.

E. F., being duly sworn on oath complains to C. D., police justice, in and for the city of Augusta in said county, that A. B., on the —— day of——, 18—, at said city, did violate section ——, of chapter ——, of this act (or section —— of an ordinance, or by-law or regulation of said city, describing it by its title and stating offense) which

said —— is now in force and prays that the said A. B. may be arrested and held to answer to the said city of Augusta therefor. E. F.

Subscribed and sworn to before me this —— day of —— 18—.

C. D. and title.

Said complaint shall be sworn to before the police justice who shall issue the warrant thereon; upon filing such complaint with the police justice before whom the same shall be sworn to, he shall issue a warrant substantially in the following form:

State of Wisconsin, } ss.
City of Augusta. }

The state of Wisconsin, to the sheriff or any constable of said county, and [or] to the marshal or any policeman of the city of Augusta, greeting:

Whereas, —— —— has this day complained to me, in writing, on oath, that —— —— did on the —— day of ——, A. D. 18—, at the city of Augusta in said county, violate section ——, of chapter —— of this act (or section —— of an ordinance or by-law or regulation of said city, describing it by its title and stating offense) which said —— is now in full force; therefore you are commanded to arrest the body of the said —— and bring him before me forthwith to answer to the city of Augusta on the complaint aforesaid.

C. D., Police Justice.

Prima facia evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by the authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witness and jurors shall attend trial without payment of fees in advance.

SECTION 8. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

Trial by jury.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' courts, and the findings of the court shall be "guilty" or "not guilty." If "guilty" the court shall render judg

ment thereon against the defendant for the fine, penalty or forfeiture described in this act or any ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged "guilty" and for costs of suit; but if "not guilty" the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and non-payment thereof, the justice shall forthwith issue execution, as in cases of tort; in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket of the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Eau Claire, }
City of Augusta. } ss.

Form of commitment.

The state of Wisconsin, to the sheriff, or any constable of said county, or to the marshal or policeman of the city, and to keeper of common jail of said county, greeting:

Whereas, the said city of Augusta, on the —— day of ——, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against ——, for the sum of —— dollars, together with —— dollars and —— cents, cost of suit, for the violation of section —— of chapter —— of this act (or section —— of any ordinance, or by-law or regulation of said city, describing it by its title.) You are hereby commanded to levy distress of the goods and chattels of said —— (excepting such as the law exempts) and make sale according to law, to the amount of said sum, together with your fees, twenty-five cents for this writ, and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of said ——, and him convey and deliver to the keeper of the common jail of Eau Claire county, and said keeper is thereby commanded to receive and keep in custody in said jail, the said —— for the term of —— unless the said judgment together with all the

costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

D. C——,
Title of officer.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeal from judgment may be taken.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in an action commenced under the provisions of this act, may appeal from such judgment in the manner provided by the general laws of this state. Such defendant shall, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to stand for trial.

SECTION 11. Said appeal shall stand for trial by a jury, unless a jury be waived, in the manner provided by law, in said circuit court, at the next term thereof after the day of the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

In case judgment be affirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, regulation, by law or resolution under which he or they are prosecuted, and render judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Shall not work incompetency.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any pro-

ceeding or action in which the city shall be a party in interest.

Village ordinances to remain in force until repealed.

SECTION 14. All ordinances and regulations now in force in the village of Augusta, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

City to be vested with village rights.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suit or otherwise which have arisen or accumulated under the several ordinances or acts incorporating the village of Augusta shall be vested in and prosecuted by the corporation hereby created.

How process against city shall be served.

SECTION 16. When any suit or action shall be commenced against the city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city, so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

General laws shall apply to willful damage to bridge.

SECTION 18. The general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injuries done thereto, are hereby extended to and shall include all of the bridges in said city, and shall apply to any willful or malicious damage which may be done to them by any person or persons whatever; and the common council of said city may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties.

Village property shall belong to city.

SECTION 19. All moneys, properties, effects and credits belonging to the present village of Augusta, shall belong to the city of Augusta, and shall be transferred to the proper officers of said city by the person in charge of the same, as soon as such officers shall be elected and qualified.

City to assume lawful debts of village.

SECTION 20. Any lawful debt, claim, demand or right of action against the present village of Augusta shall be and become a lawful debt, claim, de-

mand or right of action against the city of Augusta.

Present village officers to perform duty.

SECTION 21. All duties herein required of the mayor, aldermen, common council or clerk, in regard to election shall be performed so far as may be necessary, by the present president, trustees, board of trustees and clerk of the village of Augusta, in regard to the first election and the organization of the city government under this act.

Not repealing.

SECTION 22. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Public act.

SECTION 23. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 14, 1885.

[No. 418, A.] [Published March 17, 1885.]

CHAPTER 76.

AN ACT to incorporate the city of Alma.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name.

SECTION 1. From and after the first Tuesday of April, 1885, the district of country in the county of Buffalo, contained within the limits and boundaries hereinafter described, shall be a city by the name of the "city of Alma," and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the "city of Alma," and shall have the general powers possessed by municipal corporations at common law, and under the constitution and statutes of the state of Wisconsin, and in addition thereto, such as are herein specially granted, and the authorities thereof shall have perpetual succession, shall

be capable of contracting and being contracted with, of sueing and being sued, pleading and being inpleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Corporate limits.

SECTION 2. All that district of country included in sections two, eleven, twelve, thirteen and fourteen, in township number twenty-one north, of range number thirteen west, and sections twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-four and thirty-five, in township twenty-two north, of range number thirteen west, in the county of Buffalo, shall comprise the territory and limits of the city of Alma.

Ward boundaries.

SECTION 3. The city shall be divided into three wards as follows: The first ward shall be all that portion of said city lying south of the centre line of Olive street and the continuation thereof to the east line of said section two, in said township twenty-one north, of range thirteen west. The second ward shall be all that portion of said city lying north of said first ward, and south of the centre line of Cedar street, and the continuation thereof to the east line of said section two, in said township twenty-one north, of range thirteen west. The third ward shall be all that portion of the said city lying north of the second ward.

City and ward officers.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter provided for or may be created under this act.

CHAPTER II.

Elections when held.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given by the city clerk of the time and place of holding such election and of the officers to be elected, by publication in some newspaper published in the city, or by posting up two written or printed notices in each ward. The inspectors and clerks of election in each ward shall be the same as is provided by law for holding

general elections for state and county officers, excepting that at the first election, which is to be held on the first Tuesday in April, 1885, the electors present shall at the opening of the polls elect three inspectors and two clerks of election, whose duties shall be the same as those of inspectors and clerks at general elections for state and county officers. The place of election in each ward at such first election shall be designated by the president and trustees of the village of Alma at least five days prior to such election, and five days' notice thereof shall be given by the village clerk of said village in the manner above provided. The polls of election held under this act shall be opened and closed at the same time of day as is required by law for general elections held for state and county officers. The qualification of voters at all elections under this act shall be the same as at such general elections. Each ward officer shall be a qualified elector in the ward in which he is elected or appointed, and each city officer shall be a qualified elector in the city.

Officers to be elected.

SECTION 2. The officers to be elected by the people shall be a mayor, a city clerk and a city treasurer, from the city at large; three aldermen, one constable and one justice of the peace from each ward. A marshal, an assessor and one or more street commissioners, and all other necessary officers shall be appointed by the common council. All elective officers, excepting aldermen and justices of the peace, shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove, by a two-thirds majority of all members of the council, from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. The term of every officer elected under this act shall commence on the second Tuesday of April in the year in which such officer is elected, and the term of office of all appointed officers shall be one year. At the first election under this act there shall be elected in each ward one alderman for one year, one for two years and one for three years, and thereafter there

shall be elected one alderman in each ward for the term of three years. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

Vacancies, how filled.

SECTION 3. Whenever a vacancy shall occur in any office, it shall be filled by the council; provided, that when a vacancy shall occur in the office of alderman in any ward, it shall be filled by appointment, in writing, by the remaining alderman or aldermen of such ward, and such appointment shall be filed in the office of the city clerk; and provided further, that when a vacancy shall occur in the office of all three aldermen in any ward at the same time, the vacancy of the offices of aldermen thus created shall be filled by the common council. The person appointed to fill a vacancy, excepting in the office of alderman and justice of the peace, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill. The person appointed to fill a vacancy in the office of alderman or justice of the peace shall hold his office until such vacancy shall be filled by election at the next succeeding charter election, and shall during that time have all the rights and be subject to the same liabilities as the person whose office of alderman or justice of the peace he may be appointed to fill.

Plurality of votes shall constitute an election.

SECTION 4. In all elections by the people a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the council at such time and in such manner as it may direct.

When an office is declared vacant.

SECTION 5. Whenever any officer shall cease to possess the qualifications necessary for his election or appointment, his office shall be deemed vacant, and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election or appointment, shall be deemed to have vacated his said office.

Election returns, how made.

SECTION 6. Whenever any election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person for each and every office, to the city clerk. Within four days after

an election the council shall meet and canvass said returns, and declare the result, as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. After the first election under this act, the said inspectors shall forthwith make like returns to the village clerk of the village of Alma, and within four days after said first election, the president and trustees of said village shall meet and canvass said returns of said first election, and declare the result, as it shall appear from the same, and the said village clerk shall immediately thereafter give notice to the persons elected of their election.

CHAPTER III.

OFFICERS AND THEIR POWERS.

Officers, their powers and duties.

SECTION 1. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Alma a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or [and] liabilities, and said bond shall contain such penal sum, and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or [and] exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in

the same manner as in towns, except that their bonds shall be approved by the common council.

Duties of mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie.

President of council.

SECTION 3. At the first meeting of the council after their election in each year, it shall proceed to elect by ballot, one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all papers and records of the city, and

keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Duties of treasurer.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him, by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns.

Duties of marshal.

SECTION 6. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed by any justice of the peace, and when necessary in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the

peace, to apprehend any person in the act of committing any offense against any ordinance of said city, or the laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city.

Powers of justices of the peace.

SECTION 7. The justices of the peace elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations, as justices of the peace of towns, and they shall, in addition to their powers as above stated, have sole and exclusive jurisdiction in cases for the violation of any of the provisions of this act, or of any ordinance, by-law, rule, regulation or resolution of said city.

Power of the council.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act; and to prescribe their duties and to fix the compensation of all officers where the compensation is not fixed by the statute, or this act. The council shall, at least thirty days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to said officers for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected or appointed; neither shall extra compensation be granted except by unanimous vote of the council, approved by the mayor. For the year 1885, such compensation of such officers shall be the amount already fixed by the president and trustees of the village of Alma.

Penalty for failure to deliver to successor.

SECTION 9. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such

books, papers and effects in the manner prescribed by the laws of the state.

Aldermen not to be interested in any contract with city, penalty.

SECTION 10. No alderman shall be a party to, or interested in any job or contract with the city, nor shall any alderman or the mayor receive any compensation for his services, committee work included, on forfeiture of double the amount received in violation thereof, which forfeiture may be recovered against any alderman or against the mayor violating the provisions of this section by any freeholder of the city, under the provisions of this charter, if the amount shall be within the jurisdiction of justices of the peace, or before any court of competent jurisdiction under the provisions of the statutes of this state, relating to the collection of forfeitures, in case such amount shall exceed the jurisdiction of justices of the peace, and the amount so recovered in any action brought for the recovery of such forfeiture shall be paid to the freeholder bringing such action, in case the same shall be collected.

Officers of the peace and their duties.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constables and watchman shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes, may command the assistance of all bystanders and other citizens; and if any person, bystander or citizen, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of five dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order above mentioned in this section, shall direct the proceedings.

Justices to report and pay over all fines and penalties

SECTION 12. All acts to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to work upon the highways, which shall be paid over, on demand, to street commissioner. Each justice,

shall report to the common council on the first Monday in January, April, July and October in each year a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Resignations.

SECTION 13. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

Sureties.

SECTION 14. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Council, its powers and duties.

SECTION 1. The mayor and aldermen shall constitute the common council; and the style of all ordinances shall be: "The mayor and common council of the city of Alma do ordain." The common council shall meet at such time and place as it shall fix upon. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold stated meetings. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine by a vote of two thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members, may expel any member for cause.

Council to control finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property of said city, and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend

and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolution or by-laws.

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licenses and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Gaming and fraudulent devices.

2nd. To restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming, in said city; and restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Riots and disturbances.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

5th. To direct the location and management of slaughter-houses and markets, and to regulate the storage, safekeeping and conveying of gunpowder or other combustible materials.

6th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever. Encumbering the streets.

7th. To prevent horse racing and immoderate riding or driving in the streets and to regulate the places of bathing and swimming in the waters within the limits of said city. Prevent horse racing and regulate the places of bathing.

8th. To restrain and regulate the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same. Restrain cattle.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances. Prevent dogs from running at large.

10th. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substances.

11th. To regulate, and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city. Regulate and license hacks, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation. Establish boards of health.

13th. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Size and weight of bread.

14th. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks. Obstructing sidewalks.

15th. To prevent shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting fire arms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public Restrain drunkards.

places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Regulate runners and solicitors.

17th. To restrain and regulate runners and solicitors for stages, public houses and other establishments, and to regulate the police of said city.

Establish public markets.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Regulate butchers' stalls.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Weighing and selling hay.

20th. To regulate the place and manner of the weighing, and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of rubbish

21st. To compel the owners or occupants of buildings or grounds, to remove snow, dirt, or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by them, all such substance as the board of health shall direct; and on their default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owners or occupants.

Infectious diseases.

22d. To regulate, control and prevent the landing of persons from cars or stages wherein are contagious or infectious diseases or disorders; and to make such disposition of such persons as to preserve the health of said city.

License auctioneers.

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amount received from sales by auctioneers and transient dealers.

Appoint watchmen.

24th. To appoint watchmen and prescribe their duties.

Poll tax.

25th. To tax annually each male inhabitant of said city above the age of twenty-one and under forty-five years, one day's labor, or in lieu thereof one dollar and fifty cents (to be denominated a poll tax), and to be appropriated to the improve-

ment of the streets, crosswalks and roads of said city, under the direction of such persons as they may appoint, and to provide for the collection of said tax.

Relating to ordinances.

SECTION 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper selected by the council, before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said ordinances shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith; and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Gambling and houses of ill-fame.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings according to law. Gambling houses and houses of ill-fame, are hereby declared and shall be deemed public or common nuisances.

Deemed public nuisances.

Adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal and all other officers and agents of the city, at such time as it may deem proper, also at the end of each year; and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties in pursuance of this section, or shall neglect or refuse to render his accounts, or present his moneys, books and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties,

and shall make a full record of all such settlements and adjustments.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge and extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall, by petition represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land, in case such owner or owners shall reside in the county of Buffalo and to the occupant or occupants of such land, if any there be, which notice may be served personally or by leaving the same at the place of business, or at the residences of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the county of Buffalo, for four successive weeks, at least once in each week.

Appointment of jurors.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Buffalo, for the appointment of six jurors to view

said premises and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county.

Judge or sheriff to appoint jurors.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council whether, in their judgment, it is necessary to take or use said premises for the purpose specified in such application.

Disqualified jurors.

SECTION 4. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to view premises.

SECTION 5. The said jurors having first taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors shall make a report.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Said jurors shall again view premises within time limited.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approves such report, enter an

order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited such damages to the common council.

When buildings are standing upon said lands.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors before proceeding to make their assessments shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Notice shall be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by the publication in a newspaper published in Buffalo county three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named and give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

When owner refuses to remove building.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

SECTION 11. The said jurors, within the time

limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings. Jurors shall view and examine premises within time limited, and award damages.

SECTION 12. The jurors shall assess the damages to every person separately so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names. Assess damages to persons separately.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage or other incumbrance, or if there be any estate in it less than an estate in fee, to such person, or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements. Provided lands belong to different parties.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited, in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city. The award to be signed by jurors.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or Damages awarded shall be paid or tendered prior to taking the land.

tendered to them or their agents, or in case said parties or agents cannot be found or are unknown, deposited to their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used, and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Regarding the lease on land or premises.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract, or incumbrance, shall be taken or used by virtue of this act, all the covenants, contracts, or liabilities relating to the same or any part thereof, shall after the expiration of the time for appeal, as hereinafter provided, respectively cease and be absolutely discharged.

When only part is leased.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used; but shall remain valid as to the residue thereof, and the rents, liens and payments due from or on account of the same, shall be so appropriated that the part thereof, justly and equitably payable for such residue, and no more, shall be paid or recoverable for, or in respect to the same.

Damages assessed on separate lot shall be paid.

SECTION 18. The damages assessed on each separate lot or tract, shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void.

Appoint guardian

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under disability, the judge of the circuit court of Buffalo county, or the county judge, may, upon the application of the common council, or of such party by his next

friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall take an oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal cases.

SECTION 21. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Buffalo county from the decision of said jurors so far as it affects the interest of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum, and with such sureties as shall be approved by said court, conditional to pay all costs of said appeal, together with a reasonable attorney's fee, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

Damages to be increased.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

Accurate survey shall be made.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

No street or alley to be vacated except upon petition.

SECTION 24. No street or alley or part thereof, shall be vacated except upon the petition of the owners of three fourths of the front upon such street or alley in the block in or along which such street or alley runs, but the boundaries of streets may be changed upon petition to the council by the parties interested.

Council to lay out streets.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Foregoing directions only directory.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VI.

OF SIDEWALKS.

Levy tax for laying sidewalk.

SECTION 1. Upon the petition in writing of the owners of two thirds of the lots on any street or part of a street, or on one or more sides of any block or blocks, the common council shall have power to levy and collect a special tax on the owners of the lots on such street or part of a street, according to their respective parts, for the purpose of making a sidewalk along the same, and in case the necessary signatures to such petition cannot be obtained by reason of refusal to sign or of nonresident owners, then the common council shall have the power to levy such tax without such petition, if in its opinion it shall be for the public good.

Determine the kind of sidewalk.

SECTION 2. Before levying the tax above provided for, the common council, shall by resolution, determine what kind of a walk shall be laid and in what manner it shall be built, and shall make or cause to be made an estimate of the probable cost thereof, and shall levy the tax in accordance with such estimate.

Form of tax list.

SECTION 3. Whenever the common council shall levy a tax for the building of any sidewalk in accordance with the provisions of this chapter,

the city clerk shall make out, under its direction, a tax list with warrant attached, signed by the mayor and countersigned by the clerk, and directed to the street commissioner, which tax list shall contain a list of the persons and description of the property taxed, with the amount of the tax set opposite thereto, and shall be delivered to the street commissioner to whom it is directed.

Notice to be given.

SECTION 4. Upon the receipt of such warrant the street commissioner shall at once notify the persons named in such list by publishing a notice in some public paper printed in said city, or posting the same in three or more public places in said city, which notice shall specify a time not less than ten nor more than thirty days from the date thereof, when they may pay their taxes in labor, materials or money, and such persons may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials; provided, that which they shall furnish shall be suitable, and such as the street commissioner may in his judgment require.

Build walk according to specifications.

SECTION 5. At the expiration of the time stated in said notice, the street commissioner shall proceed to build said walk according to the specifications and in the manner provided by the common council, and in case any of the taxes contained in said list remain unpaid, he shall proceed to collect the same in the same manner as provided for the collection of delinquent street tax, and shall have the same authority so to do.

Street commissioner shall report to council.

SECTION 6. Within sixty days from the receipt of said tax list, the street commissioner shall make return thereof, under oath, to the common council, showing the amount of taxes collected in labor and materials, and the amount collected in money, the manner in which it was expended and the items of such expenditure; also the taxes remaining unpaid, if any, and the persons and descriptions of real estate to which such unpaid taxes stand charged; and the clerk of said city shall, in making out the duplicate tax roll of said city next thereafter, enter such unpaid taxes therein, with twenty-five per cent. added thereto, opposite the names of the persons and descriptions of property against which the taxes so remain charged and unpaid, and they shall be collected in the same

manner as the general taxes of said city are collected, and when so collected shall be paid over on the order of the common council; and when not previously applied shall be expended for the purpose for which originally designed.

Relating to unpaid taxes.

SECTION 7. The common council may, when any tax has been returned unpaid by the street commissioner, by resolution, appropriate the amount thereof from the general funds of the city to accomplish the purpose designed; and in such case the moneys so used shall be replaced when such tax is collected.

Duties of street commissioner.

SECTION 8. It shall be the duty of the street commissioner of said city, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same; and if said owner or occupant fail to repair the same forthwith, then and in that case and in the case of non-residents, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to and under the direction of the common council, which may by resolution require any sidewalk to be repaired, and order the street commissioner to proceed as above set forth, notwithstanding the cost of such repairs.

Notice shall be served.

SECTION 9. Service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided, and in case of the non-payment of the cost of such repairs he shall return the same under oath to the city clerk, who shall insert the same in the next tax roll of said

city in the same manner as provided for the return and insertion of delinquent sidewalk tax, and with the same per cent. added thereto.

Further duties of street commissioner.

SECTION 10. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the sidewalks or streets in said city as town boards of supervisors have in removing obstructions from highways.

CHAPTER VII.

FINANCE AND TAXATION.

Council shall control the finances.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasury shall specify the purpose for which they are drawn and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof.

No debt to be contracted against city.

SECTION 2. No debt shall be contracted against the city, or order be drawn on the city treasurer, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing; nor shall the amount to be raised in any one year for the general city purposes, other than state, county or school taxes, and interest on the bonded indebtedness of said city, as authorized by law, exceed one per centum of the taxable property to said city, as shown by the next previous assessment.

Moneys paid into city treasury.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or

judgment recovered in favor of the city shall be remitted or discharged except by a vote of three fourths of all the aldermen elect.

Property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor appointed under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except as far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors.

Relating to assessors.

SECTION 5. The assessor appointed by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Regard city of Alma as a town.

SECTION 6. The county board of supervisors shall have the right to regard the city of Alma as a town, in equalizing the assessment rolls of the several towns in Buffalo county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Board of supervisors may levy tax.

SECTION 7. The said board of supervisors may levy a tax or taxes as now is, or may thereafter be provided by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Form of assessment roll.

SECTION 8. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any of previous years, and all special taxes levied by the common council since

the making out the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract, or lot of land, or person named therein, which statement shall be called, "the tax list of the city of Alma," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be prima facie evidence.

SECTION 9. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes. from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Taxes to be collected.

SECTION 10. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Fees allowed upon taxes collected.

SECTION 11. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive five per cent. fees upon all taxes collected after January 10th, to be paid by him into the city treasury.

Delinquent tax list to be returned.

SECTION 12. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Buffalo county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer in like manner as now is

or may hereafter be required of town treasurers; and all the provisions of chapter 49, of the revised statutes and acts amendatory thereof shall extend to and may be enforced to collect any delinquent personal property tax.

Delinquent lands shall be sold.

SECTION 13. The county treasurer shall sell all delinquent lands and lots returned from the city of Alma, at the same time and in the same manner as other delinquent lands are sold in the county.

Lots or blocks subject to special tax.

SECTION 14. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and repairs thereof in front of the same.

SECTION 15. All lands lying within the city limits not divided and laid out into lots or blocks, and all out lots, not subdivided and numbered by such subdivisions, shall not be subject to any special taxes for sidewalks or sewers.

Directions hereby given only directory.

SECTION 16. All the directions hereby given, except in section 8, of this chapter, for the assessing of lands and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Special taxes may be levied.

SECTION 17. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election. The common council are further authorized and empowered to raise annually such sum or sums of money as it may deem necessary or expedient for street, road, sewer or drain purposes, which tax may be expended for streets, roads, sewers and

drains within the corporate limits of the city as well as for roads leading to and from said city; provided, that any such tax for a sum exceeding one half of one per centum upon the assessed value of the real and personal property of said city, as assessed the year previous, shall be first recommended by the common council and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such tax it shall specify the amount to be raised, over and above one-half of one per centum, as hereinbefore mentioned, and cause notice thereof, and of the time and place of voting thereof, to be published in the same manner as in case of annual city elections.

Only lawful currency shall be received.

SECTION 18. The city treasurer shall receive nothing but the lawful currency of the United States, for taxes, licenses or other dues of the city, and is prohibited from receiving county, school or other orders in payment of city dues.

Council to provide for prompt payment.

SECTION 19. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury.

When treasurer is unable to pay orders drawn.

SECTION 20. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

How taxes shall be paid.

SECTION 21. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

When council shall meet.

SECTION 22. The common council shall meet on Monday evening two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any

bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

Relating to surplus fund.

SECTION 23. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interest and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for.

Council may levy special tax.

SECTION 24. The common council may, also, when occasion shall require, levy a special tax not to exceed three mills on the dollar of the taxable property of said city, for the purpose of building or repairing of bridges; such tax to be levied in the same manner and collected in the same way and at the same time as the general city taxes for that year.

Respecting certificates.

SECTION 25. Upon all certificates heretofore issued or which may be issued by the village treasurer of the village of Alma before the first Tuesday in April, 1885, for delinquent taxes upon lots or lands within the limits of the city in pursuance of chapter 213, of the private and local laws of the year 1869, and of chapter 390, of the private and laws of the year 1870, the city treasurer shall, after the expiration of two years from the date of sale upon which said certificates were issued, unless the taxes mentioned in said certificates were redeemed from such sale, execute in the name of the city of Alma, upon demand to the purchaser, his heirs or assigns a conveyance of the lots or lands described in said certificates, which conveyance shall vest in the person or persons to whom it shall be executed, an absolute estate in fee simple of the lots or lands so conveyed, and shall be presumptive evidence that the sale was regular; every such conveyance executed by the city treasurer under his hand and seal and in the name and behalf of the said city of Alma, and the execution thereof witnessed and acknowledged as by law in other cases provided and duly recorded, may be given in evidence in the same manner and with like effect as any other deed regularly acknowledged, witnessed and recorded. At any time within two years after the sale upon which any

of said certificates may have been issued any person having an interest in the lots or lands described therein may redeem the same by paying to the city treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, and also by paying to said city treasurer any further charge that may have accrued thereon.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof, shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the removal of any buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, to or any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Powers of council.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire, all

idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulation for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

Council may purchase fire engines.

SECTION 3. The common council shall have power to authorize the formation of fire-engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meeting as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state, or with the ordinance and regulations of the city, and shall be formed only by voluntary enlistment. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

CHAPTER IX.

EDUCATION.

Relating to school districts.

SECTION 1. The school district now embracing part of the present city of Alma, and the joint school district now embracing part of said village and part of the town of Nelson, in the county of Buffalo, shall remain intact and the same territory shall remain therein; provided, that hereafter the name and style of said district and joint district shall contain the name of the city of Alma instead of the name of the village of Alma. The management of school matters shall remain the same as it has heretofore existed in the village of Alma, and the common council of the city of Alma shall have the same power and authority to form and alter school districts as town boards now or may hereafter have under the laws of this state.

CHAPTER X.

ACTION TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

SECTION. 2 In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

Summons—form for.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Buffalo, } ss.
City of Alma. }

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Alma:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, a justice of the peace in and for said city, at my office in said city, on the —— day of ——, A. D. 18—, at —— o'clock in the —— noon, to answer the city of Alma to the damage of said city, two hundred dollars or under.

Given under my hand, this —— day of ——, 18—.

C. D., Justice of the Peace.

Service and return of summons.

SECTION 4. Such summons shall be made returnable and served in the same manner, as is now or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons, and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of this

state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Alma, Against A. B. } In Justice Court, before C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section —— of chapter ——, of this act, or section —— of an ordinance, or by-law, or regulation, of said city, describing it by its title,) which said —— is now in force. By reason of such violation, an action hath accrued to the city of Alma to recover of the defendant, the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Complaint upon oath for warrant.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The city of Alma against A. B., before C. D., justice of the peace—county of Buffalo—ss.

E. F., being duly sworn, on oath complains to C. D., justice of the peace in and for the city of Alma, in said county, that A. B., on the —— day of ——, 18-- at said city, did violate (section —— of chapter —— of this act, or section of an ordinance, or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that A. B. may be arrested and held to answer to said city of Alma.

Sworn and subscribed to this —— day of —— 18—. —— ——.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall

issue a warrant substantially in the following form:

County of Buffalo, } ss.
City of Alma. }

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Alma, greeting:

Whereas, —— ——, has this day complained to me in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section ——of an ordinance, by-law or regulation of said city, describing it by its title), which said —— is now in force, as the complainant believes; therefore you are commanded to arrest the body of the said A. B., and bring him before me, forthwith to answer to the city of Alma, on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Buffalo county, and shall be received and kept therein the same as in criminal actions, except as modified by this act or the ordinances of said city. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter embraced in the action.

Copies of evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Attendance of witnesses and jurors.

SECTION 8. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' courts, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendent for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort; in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendent shall be imprisoned, which in no case shall exceed six months, and also insert such time in execution or commitment. Such execution shall be in the following form:

Form of execution.

County of Buffalo, } ss.
City of Alma, }

The state of Wisconsin, to the sheriff or constable of said county, or to the marshal or policeman of the city, and to the keeper of common jail of said county, greeting:

Whereas, the said city of Alma, on the —— day of——, 18—, recovered a judgment before the undersigned justice of the peace in and for said city, against —— — —, for the sum of——dollars, together with——dollars and——cents, costs of suit for the violation of (section——of chapter—— of this act, or section——of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said—— ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ; and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said—— and him convey and deliver to the keeper of the common jail of Buffalo county; and said keeper is hereby commanded to receive and keep in custody in said jail the said —— —— for the

term of ——, unles the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—. C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeals, etc.

SECTION 10. In any case the defendant may appeal from said judgment to the circuit court of the county of Buffalo; provided, that such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeals—how tried.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Judgment to be entered—when.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Not to work incompetency

SECTION 13. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances.

SECTION 14. All ordinances and regulations now

in force in the village of Alma, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Actions.

SECTION 15. All actions, rights and penalties, fines and forfeitures in suits or otherwise which have arisen or accumulated under the several ordinances or acts incorporating the village of Alma shall be vested in and prosecuted by the corporation hereby created.

Action on suit against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city so served forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Penalties shall be paid into city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

CHAPTER XI.

MISCELLANEOUS.

Description of city lots.

SECTION 1. The plats of the village of Alma and the additions thereto are hereby adopted as the plats of the city of Alma and additions thereto and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as "the original plat of the village, now city of Alma," or "the plat of Victor Probst's addition to the village, now city of Alma," and in like manner with the plats or other additions, or in any other manner so as to describe the lands with reasonable certainty.

Relating to support of poor.

SECTION 2. All laws in relation to the support of the poor in towns shall apply and be in force in said city.

Money, property and effects—by whom controlled.

SECTION 3. All moneys, property, effects and credits belonging to the present village of Alma, shall belong to the city of Alma and shall be transferred to the proper officers of said city by the

persons in charge of the same, as soon as such officers shall be elected and qualified.

Right of actions against city of Alma.

SECTION 4. Any lawful debt, claim, demand or right of action against the village of Alma, shall be and become a lawful debt, claim, demand or right of action against the city of Alma.

SECTION 5. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1885.

[No. 114, S.] [Published March 19, 1885.]

CHAPTER 78.

AN ACT to amend chapter 86, laws of 1883, as amended by chapter 176, laws of 1883, entitled, an act to incorporate the city of Edgerton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sections amended.

SECTION 1. Amend by striking out the word "three" where it occurs in the fourth line of section 3, and insert in lieu thereof the words "two members from each ward;" and the word "three," where it occurs in the third line of section 5, and insert the word "six;" also add after the words "except justices of the peace," in the thirteenth line of section 5, the words "and aldermen." Strike out all of section 9 and insert the following: Section 9. At the next annual election for municipal officers of the city of Edgerton, one of the aldermen for each ward of said city shall be elected for the term of one year, and one from each ward for the term of two years, who shall hold their offices respectively for the time they shall be so elected; and at each annual election thereafter there shall be one alderman elected annually for each ward whose term of office shall be two years, and until his successor is elected and qualified. Amend section 21 by inserting after the words 'and state taxes," in third line thereof, the words

"except as herein provided." Also by inserting after the word "moneys," in the fifth line, the words "in his hands, and of all moneys." Amend section 30 by inserting after the word "commissioner," in the second line, the words "to collect the highway taxes and." Amend by striking out all of section 31 and insert the following: Section 31. The mayor and aldermen shall constitute the common council, and shall appoint inspectors of election as provided by law, and shall not receive any compensation for their services, unless they be acting as inspectors of election, and the style of all ordinances shall be: "The common council of the city of Edgerton do ordain as follows:" A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time. Amend section 34 by striking out all of said section preceding subdivision one, and insert the following: Section 34. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, and bowling saloons, etc, and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant or withhold licenses for selling spirituous, vinous or fermented liquors, and to regulate the sale of the same, and to revoke the license for a violation thereof; provided that the sum to be paid for any such license shall not be less than $500 nor more than $1,000 per annum, and all liquor licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date the same may be granted to expire on the first day of May in each year, the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year; provided, always, that licenses for the sale of liquors, not to be drunk on the premises, may be granted to regularly established drug stores for twenty-five dollars per annum. And all moneys collected for licenses shall be paid into the city treasury and become part of the general fund of said city. Said common council shall have power also. Amend by striking out all of section 40 and in-

sert the following: Section 40. The common council of said city shall have and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and in addition to said poll tax the common council may levy upon the taxable property of said city, a tax not exceeding five mills on the dollar of the assessed valuation as shown by the last assessment roll of said city, to be known as a street tax, the same to be used exclusively for the improvement of streets, walks, and crossings within the limits of said city. Such taxes shall be assessed by the common council by resolution upon an affirmative vote of a majority thereof, and the ayes and noes shall be entered in its proceedings. As soon as may be after the assessment of the taxes above provided for by the common council, the clerk shall proceed to apportion the same and carry out opposite the name of the individual and the property liable to pay said tax as it shall appear upon the last assessment roll of said city, and shall issue a special tax warrant in the form provided by section 1241, of the revised statutes of the state of Wisconsin for the year 1878, to be signed by the mayor and countersigned by the clerk, which warrant shall be directed to the street commissioner of said city. Such warrant shall contain: 1. The names of all persons liable to pay poll tax within said city. 2. The name of each person assessed for personal property, the amount of each assessment and the amount of the tax thereon. 3. A description of all lots and parcels of land within said city, with the valuation, name of the owner and amount of tax thereon, set opposite thereto, the description and value thereof, to be taken from the last assessment roll of said city. Such warrant shall be delivered to the street commissioner on or before the first Monday in June, and he shall proceed to collect the taxes in the manner described for the collection of highway taxes in towns by the overseers of highways, excepting said street taxes shall be collected in money and not be commuted in labor. The street commissioner shall have all the authority of an overseer of highways in towns in relation

to amending his warrant by adding thereto names of persons liable to pay street taxes in said city, which have been omitted by the clerk, or of new inhabitants who have not paid highway taxes for the same year elsewhere, and in assessing them with poll tax and street tax upon their taxable property, and all further powers and rights of such overseers, not herein enumerated, which are necessary or proper to accomplish the collection and expenditure of said taxes, and not inconsistent with the provisions of this act. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return by the overseer of highways in towns. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided said common council shall not levy a tax for general purposes exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city, at a general or special election. All taxes levied under this act shall be paid to the city treasurer in cash, except as herein provided. So that chapter 86, as amended by chapter 176, when so amended, shall read as follows:

Corporate name.

SECTION 1. All that district of country hereinafter described from and after the second Tuesday in April A. D. 1883, shall be a city by the name of Edgerton, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described shall be a municipal corporation by the name of "the city of Edgerton," and shall have the general powers possessed by municipal corporations at common law and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with suing and being sued; pleading and being impleaded in all courts of law and equity; and shall have a common seal and may change and alter the same at pleasure.

Territory embraced.

SECTION 2. All of sections numbered three, four, and the northeast quarter of section nine, and the north half of section ten, all of town four,

range twelve east, all in the town of Fulton, in the county of Rock, state of Wisconsin, shall be included in, and constitute the limits and boundaries of the city of Edgerton. There shall be three wards, namely: Section three shall be the first ward, section four shall be the second ward, and the northeast quarter of section nine and the north half of section ten shall be the third ward.

Corporate authority—in whom vested.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor shall be denominated the common council together with such other officers as are hereinafter mentioned, or may be created under this act.

Annual election—when held.

SECTION 4. The annual election for city officers shall be held on the first Tuesday in April, in each year, at such place as the common council shall designate, and polls shall be kept open from 9 o'clock in the forenoon to five o'clock in the afternoon, with the proviso: That an adjournment may be had for one hour between the hours of 12 o'clock M., and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Six days' previous notice of such election shall be given signed by the clerk stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, one constable, two justices of the peace and six aldermen. The treasurer, assessor, clerk, justices of the peace and constable, shall be qualified voters and residents of the city of Edgerton; and the mayor and aldermen shall be qualified voters and freeholders in the city of Edgerton, and the aldermen shall be residents of the respective wards which they represent. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace and aldermen unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power for

cause, to expel any of its own members, except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

In case of vacancy.

SECTION 6. Whenever a vacancy shall occur in any office, such vacancy shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

What shall constitute an election.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by casting lots in the presence of the common council and in such manner as it shall direct.

Who are qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who have been ten days next preceding any election, actual residents of the city of Edgerton, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections.

Terms of offices of aldermen.

SECTION 9. At the next annual election for municipal officers of the city of Edgerton, one of the aldermen for each ward of said city shall be elected for the term of one year, and one from each ward for the term of two years, who shall hold their offices respectively for the time they shall be so elected, and at each annual election thereafter there shall be one alderman elected annually for each ward whose term of office shall be two years and until his successor is elected and qualified.

Duties of inspectors of election when illegal votes offered.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years

old; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year; and that you are and have been for ten days an actual resident within this city, and that you have not voted at this election, and that you have made no bet or wager, depending on the result of this election." Which oath any member of the board of inspectors is hereby authorized to administer, and if the person so offering to vote, shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election, shall be the same as that provided by statutes of this state, for similar conduct at any general election.

Canvass and return of votes.

SECTION 11. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another is opened, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace, or city marshal, shall be elected or appointed, the clerk shall forthwith give notice

thereof in writing, to the clerk of the circuit court of Rock county, giving both the names and terms for which elected, and upon the election of mayor or treasurer, the clerk shall give like notices to the clerk of the board of supervisors of Rock county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections, how held.

SECTION 12. Special elections shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

What is deemed a vacation in office.

SECTION 13. Any officer removing from the city, or any officer who shall neglect or refuse for ten days after his election or appointment to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Term of office, when to begin.

SECTION 14. The term of every officer elected under this act, except justices of the peace, shall commence on the second Tuesday in April of the year for which, and in which, he was elected.

First election, when held.

SECTION 15. The first election of officers under the provisions of this act, shall be held on the first Tuesday in April, 1883; and at such election one justice of the peace shall be elected for one year, and one justice for two years, and annually thereafter a justice shall be elected for two years, and their terms of office shall commence on the first Monday in May; provided, that the justices of the peace now residing within the said city of Edgerton, shall hold their offices until their terms expire.

In case of failure to elect.

SECTION 16. Should there be a failure to elect any officers herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Oath of office shall be taken before exercising duties of office.

SECTION. 17. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk. The treasurer, clerk, marshal and such other officers as the common council may direct, shall sev-

erally, before they enter upon the duties of their respective offices, execute to the city of Edgerton a bond with two sureties, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor.

SECTION 18. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of the police of the city; and in case of riot and other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall, in all cases, have a seat in the common council and he shall vote in the common council only in a case of a tie vote; he shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same, and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The mayor shall represent the said city in the county board of supervisors of Rock county, Wisconsin, and in his absence or inability to act, the common council shall designate one of their number to represent said city. The common council shall, at its regular meeting, after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who, in the absence of the mayor, shall act as such mayor, and have and possess all the rights and privileges of such officer, and be subject to

all the liabilities thereof, during the absence of such mayor.

Duties of clerk.

SECTION 19. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks; and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Jurisdiction of justices of the peace.

SECTION 20. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have furthermore, jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city.

Duties of city treasurer.

SECTION 21. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, except as herein provided, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys in his hands and of all moneys received, and of all moneys paid out, and the same shall, at all times, be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the com-

mon council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers, and be subject to the same laws and liabilities, and governed by the same laws, as treasurers of towns in this state; provided, that he shall receive no other fees, except the compensation hereinafter provided.

Duties of marshal.

SECTION 22. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinances of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend, with or without warrant, any person in the act of committing offense against any ordinance of said city, or laws of this state, and within a reasonable time bring such person before competent authority, for examination or trial, and for such service he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which will be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers

and authority, and be subject to the same liabilities with the marshal.

Penalty for failure to deliver to successor.

SECTION 23. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

Shall not be interested in any job or contract.

SECTION 24. No mayor or alderman shall be a party to or interested in any job or contract with the city, and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the common council may sue for and recover back the amount so paid from the parties to such contract and the mayor or aldermen interested in the same.

Officers of the peace defined.

SECTION 25. The mayor or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman, and constables of said city and the sheriff of Rock county and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior within the limits of said city; and for such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen, shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Powers of justices of the peace.

SECTION 26. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation shall, in all cases, be commenced in the name of the city of Edgerton, and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are estab-

lished and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; provided, that in a case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city, on its charter, defendants shall have the same right of appeal under the same conditions and requirements, as now are, or may be provided by the laws of this state for taking appeals from justices' courts. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasury of said city, and be a part of the finances thereof.

Duties of justices of peace.

SECTION 27. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city, within ten days after receiving the same, and take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them

Duty of city assessor.

SECTION 28. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor, as the common council shall prescribe, not exceeding two dollars per day.

Duties of street commissioner.

SECTION 29. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council, recommending in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their first, second and third necessity, and so on to the end of his recommendations; under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put

in repair any such street or sidewalk, if in their opinion it is a matter of necessity.

Further duties of street commissioner.

SECTION 30. It shall be the duty of the street commissioner to collect the highway taxes, and to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe, not exceeding two dollars per day.

Mayor and aldermen to constitute the common council.

SECTION 31. The mayor and aldermen shall constitute the common council, and shall appoint inspectors of election as provided by law, and shall not receive any compensation for their services unless they be acting as inspectors of election, and the style of all ordinances shall be, "The common council of the city of Edgerton do ordain as follows." A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

Meetings of council.

SECTION 32. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as they shall appoint, and the mayor may call special meetings by notices to each of the members, to be served personally or left at its several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members by fine or otherwise.

Control and management of finances.

SECTION 33. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of trade and commerce and health, as

it shall deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such rules, ordinances, and by-laws are hereby declared to be and have the force of laws; provided they are not repugnant to the constitution and laws of the United States or of this state.

Power to issue licenses and suppress nuisances.

SECTION 34. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law, and to grant or withhold licenses for selling spirituous vinous and fermented liquors and to regulate the sale of the same, and to revoke the license for a violation thereof; provided, that the sum to be paid for any such license shall not be less than five hundred dollars, nor more than one thousand dollars per annum, and all liquor licenses hereafter granted shall run from the first day of May, in each year; provided, however, that when any license may be applied for after that date, the same may be granted to expire on the first day of May, in each year, the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year; provided, always that licenses for the sale of liquors, not to be drunk on the premises, may be granted to regularly established drug stores for twenty-five dollars per annum. And all moneys collected for licenses shall be paid into the city treasury and become part of the general fund of said city. Said common council shall have power also:

Suppress gambling.

1st. To suppress, restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Blowing of steam whistles.

2d. To prevent or regulate the blowing of

steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying, touching any offense committed against any of the provisions of this act, or any ordinance of the city of Edgerton, by reason of his or her being implicated in any such offense, but the testimony of such witness shall, in no case, be used against such witness.

Cleanse nauseous places.

3d. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

4th. To direct the location and management of slaughter-houses and markets and to prevent the erection of, use and occupation of the same, when offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs.

Incumbering of streets, etc.

5th. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, fire-wood, or any other materials or substances whatever.

Horse racing.

6th. To prevent horse racing and immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

7th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

8th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Remove putrid carcasses.

9th. To prevent persons from bringing, depositing or having within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal there-

of, by some competent officer, at the expense of such person or persons.

10th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds, and public buildings with gas or otherwise. Establish pounds.

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

12th. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Size and weight of bread.

13th. To prevent all persons riding or driving any horse or mule, or any other animal, on the sidewalks of said city, or in any way doing damage to sidewalks and bridges. Riding and driving on sidewalks.

14th. To prevent shooting of fire-arms or fire-crackers, and to prevent the exhibition of fire-works in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of fire-arms and fire-works.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkards.

16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners and Solicitors.

17th. To make rules, regulations and ordinances for the government of the police of the city. Government of police.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations. To license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meat, fish and other articles. Public markets and butchers' stalls.

19th. To regulate the place or places and manner of weighing or selling hay, and measuring and Weighing and selling hay.

selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of rubbish. 20th. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Contagious and infectious diseases. 21st. To regulate, control and prevent the landing of persons from all cars or other conveyances wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city.

Auctions. 22d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen. 23d. To appoint watchmen and prescribe their duties.

Standard of weights and measures. 24th. To provide by ordinance for a standard of weights and measures.

Trees and monuments. 25th. To protect trees and monuments in the said city.

Sewers 26th. To prescribe and regulate the construction of sewers within the city.

Lay out highways. 27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances and to protect them from injury.

Change of name of street. 28th. To alter or change the name of any street in the city.

Boundaries of of school districts. 29th. To consolidate or change the boundaries of school districts in said city, under the same restriction, and with the same power, as is now conferred on town boards under the general laws of the state.

Police regulations. 30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

31st. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor. Prosecutions.

32nd. To purchase real estate, and provide for the erection of a city hall and engine-houses. Purchase real estate.

33d. To call a special election for the purpose of raising a tax, when in its opinion, the amount which it is authorized to raise by the provisions of this act, is insufficient to meet the requirements. Special elections.

34th. To establish grades of any and all the streets in the city, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface waters or other waters from whatever source, coming on the street or streets; and when a grade is so established they shall cause an accurate profile to be made thereof and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile and the ordinance establishing the same. Establish grades.

35th. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers of such department as they shall see fit, and to define their powers and duties, and to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof of water mains, reservoirs or other water-works; to erect engine-houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of, and cleaning of chimneys; to prevent bonfires, and the use of fireworks and fire-arms in the city, or any part thereof; to authorize fire-wardens, at all reasonable times, to enter into and examine all dwellings, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to Establish fire-department.

cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires, as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation.

SECTION 35. All laws, ordinances, regulations, and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in the city of Edgerton, or by posting in three public places in said city, before taking effect; and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, or when posted, by the affidavit of the clerk, who shall post the same, and such affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication or posting.

Printing to be done at legal rate.

SECTION 36. All printing and publication required by this act or by the common council, shall be let by said council at rates not exceeding the legal rates of advertising.

Shall not bar or hinder suits.

SECTION 37. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind, wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Council shall audit and adjust accounts.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as it may deem proper; also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And

the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person or agent of said city who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

All funds to be under control of council.

SECTION 39. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Council to tax poll tax annually.

SECTION 40. The common council of said city shall have and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and in addition to said poll tax, the common council may levy upon the taxable property of said city, a tax, not exceeding five mills on the dollar of the assessed valuation as shown by the last assessment roll of said city, to be known as a street tax, the same to be used exclusively for the improvement of streets, walks and crossings within the limits of said city. Such taxes shall be assessed by the common council by resolution upon an affirmative vote of a majority thereof and the ayes

and noes shall be entered in its proceedings. As soon as may be after the assessment of the taxes above provided for by the common council, the clerk shall proceed to apportion the same and carry out opposite the name of the individual and the property liable to pay said tax as it shall appear upon the last assessment roll of said city, and shall issue a special tax warrant in the form provided by section 1241, of the revised statutes of the State of Wisconsin for the year 1878, to be signed by the mayor and countersigned by the clerk, which warrant shall be directed to the street commissioner of said city. Such warrant shall contain: 1st. The names of all persons liable to pay poll tax within said city. 2d. The name of each person assessed for personal property, the amount of each assessment, and the amount of the tax thereon. 3d. A description of all lots and parcels of land within said city, with the valuation, name of the owner, and amount of tax thereon set opposite thereto, the description and value thereof to be taken from the last assessment roll of said city. Such warrant shall be delivered to the street commissioner on or before the first Monday in June, and he shall proceed to collect the taxes in the manner described for the collection of highway taxes in towns by the overseers of highways, excepting said street taxes shall be collected in money and not be commuted in labor. The street commissioner shall have all the authority of an overseer of highways in towns in relation to amending his warrant by adding thereto names of persons liable to pay street taxes in said city which have been omitted by the clerk, or of new inhabitants who have not paid highway taxes for the same year elsewhere, and in assessing them with poll tax and street tax upon their taxable property, and all further powers and rights of such overseers not herein enumerated which are necessary or proper to accomplish the collection and expenditure of said taxes and not inconsistent with the provisions of this act. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return by the overseer of highways in towns. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax

sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election. All taxes levied under this act shall be paid to the city treasurer in cash except as herein provided.

Power to issue bonds limited.

SECTION 41. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in the cases especially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Accounts shall be properly verified.

SECTION 42. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Action for claims to be commenced under 30 days.

SECTION 43. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive, and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within thirty days after such disallowance by the common council of said city.

Annual report to be made.

SECTION 44. The common council shall annually, on Tuesday next preceeding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published before the annual election.

Power to lay out public streets.

SECTION 45. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in said city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use, for the purpose of laying out public streets or alleys, or the enlarging of the

same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition. The common council shall thereupon cause notice of such application to be given on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices, describing as near as may be, the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

What notice shall state.

SECTION 46. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Rock for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Twelve resident freeholders shall be appointed.

SECTION 47. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholder, residents of said city, not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept and to make returns under their hands to the common council, whether, in their judgment, it is necessary and proper to take said premises, for the purposes specified in such application; and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

City marshal shall serve the precept.

SECTION 48. The city marshal shall serve the said precept immediately on the jurors therein named, by reading the same to each one that can be found, and immediately after such service he

shall return the said precept to the court commissioner, who issued the same, together with his doings thereon; and if the jurors so appointed can not be found, or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Jurors shall view premises in a body.

SECTION 49. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question and hearing testimony if offered, the jurors shall make a report of their proceedings, which shall be signed by them and which shall state whether, in their judgment, it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, within twenty days thereafter, to again view the premises to ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken; and to assess and return within the twenty days such damages to the common council who shall enter an order confirming the same.

In case there should be a building on land.

SECTION 50. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Ten days' notice of determination to be given.

SECTION 51. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors and it shall require the parties

interested to appear by a day named therein, and give notice of their election to the common council either to accept the award of the jurors and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

In case owner refuse to take the building, council may direct the sale of same.

SECTION 52. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner, or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 53. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages, to the municipal court of Rock county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner.

Damages to be first paid before land is appropriated.

SECTION 54. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the pur-

poses required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or deposited, as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

In case owner be an infant in law.

SECTION 55. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the county judge of Rock county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the clerk.

Property subject to taxation.

SECTION 56. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of assessment roll and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rules as it may from time to time deem advisable. When the assessment roll shall be completed, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon

the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or any informality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied, in such manner as it shall direct by ordinance.

Board of equalization.

SECTION 57. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the last Monday of June in each year, at 9 o'clock in the forenoon and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board, and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic, assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

Duty of clerk on receipt of assessment roll.

SECTION 58. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and either local taxes, setting down opposite the several sums set down as the valuation of real and

personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form:

Form.

The State of Wisconsin, to the city treasurer of the city of Edgerton, in the county of Rock:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Rock, on or before the last Monday in January next, the sum of ——— for state taxes; you are to retain and pay out as city treasurer the sum of ——— according to law; and the balance of said money you are required to pay to said treasurer for county purposes; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Rock.

Given under my hand and the corporate seal of the city of Edgerton, this —— day of ——, 18—.

——— ———,
City Clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

SECTION 59. All the general laws of this state which are now or may hereafter be in force rela-

All general laws to be in force.

tive to the assessment and collection of taxes, shall be in force in said city except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes except as herein provided.

Treasurer to give notice of receipt of tax roll.

SECTION 60. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city or by posting in three public places, that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city.

Fees for collecting.

SECTION 61. The treasurer shall collect as fees for the collection of taxes, one per cent. on all taxes collected by or paid to him prior to the tenth day of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said tenth day of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

State tax, when paid.

SECTION 62. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the property in said city.

In case city treasurer is unable to collect tax.

SECTION 63. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts in addition thereto.

Poor laws, to be in force.

SECTION 64. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of

the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Common schools to be under control of each district.

SECTION 65. The common schools of the city of Edgerton shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties.

Town clerk of Fulton to apportion school money.

SECTION 66. The town clerk of the town of Fulton for the year 1883, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1883, to the several districts, a part of which is embraced in the city of Edgerton, in the same manner as though this act had not passed.

City may sue in its corporate name.

SECTION 67. The city of Edgerton, in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, under the ordinances, by-laws, or police or health regulations, made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of this act or the chapter or section of this act, or the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort, before a justice of the peace, under the general statutes of the state for the time being, and when commenced by summons, such summons may be substantially in the following form:

County of Rock, }
City of Edgerton, } ss.

Form of summons.

The state of Wisconsin, to the sheriff or any constable of said county, and the marshal of the city of Edgerton.

You are hereby commanded to summon ——— ———, if he shall be found in your county, to appear before the undersigned, a justice of the peace in and for the city of Edgerton, on the —— day of ——, 18—, at —— o'clock in the —— noon, to

answer to the city of Edgerton, to the damage of said city, two hundred dollars or under.

Given under my hand this ——day of ——18—.

——, Justice of the Peace.

Such summons shall be made returnable and served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

The City of Edgerton,)
Against } In justice court.
A. B. } C. D., justice of the peace.

The plaintiff complains against the defendant, for that, on the —— day of —— 18—, at the said city, the defendant did violate section —— of (this act) or section —— of an ordinance or by-law or regulation of said city, (describing it by its title), which said —— is now in force. By reason of such violation an action has accrued to the city of Edgerton, to recover of the defendant the sum of ——dollars. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, beside the costs of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

Form of complaint for warrant.

City of Edgerton,) In Justice court.
against } ss.
A. B.) County of Rock.

—— ——, being duly sworn, complains on oath to C. D., a justice of the peace of the city of Edgerton, in said county, that A. B., on the —— day of——, 18—, at said city, did violate section ——, of this act, or section —— of an ordinance, or by-law, or regulation of said city (describing it by its title), as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Edgerton therefor.

Sworn and subscribed this —— day of ——, 18—.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

County of Rock, } ss.
City of Edgerton, }

Form of warrant.

The state of Wisconsin, to the sheriff, or any constable of said county, or to the marshal of the city of Edgerton:

Whereas, —— —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of this act, or section —— of chapter —— of this act, or section —— of an ordinance, by-law, or regulation of said city, (describing it by its title), therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith to answer to the said city of Edgerton on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court shall recognize, with security to be approved by the court, for his or their appearance, in such sum as the court may direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the lockup or jail of said city. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

Printed copy shall be prima facie evidence.

SECTION 68. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses and jurors shall attend before justice of peace.

SECTION 69. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Actions.

SECTION 70. In city prosecutions the finding of the court or jury shall be "guilty," or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law

or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justice's court in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Party may appeal.

SECTION 71. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal from such judgment to the municipal court of Rock county, in the time and manner provided by law for appeals from justices' courts.

Shall not work incompetency.

SECTION 72. No person shall be an incompetent witness, judge, justice or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

General bridge laws to be in force.

SECTION 73. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto are hereby extended to, and shall include all the bridges now erected, or hereafter to be erected over any stream by, or in the city of Edgerton, and shall apply to any wilful and malicious damage which may be done to them; and the common council of said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

How suit against city may be commenced.

SECTION 74. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city, and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be.

SECTION 75. No real or personal estate or property of any inhabitant or corporation of said city, shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Edgerton. Individual property not available for city debts.

SECTION 76. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order. Work to be let by contract.

SECTION 77. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two thirds vote of the aldermen-elect. Two thirds vote required to remit penalty.

SECTION 78. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of the state. May hold real estate.

SECTION 79. When the city of Edgerton deeds or leases any real estate or any interest therein, owned by said city, the party of the first part shall be the city of Edgerton, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. In case city deeds property.

SECTION 80. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution, when so attached to such deed or lease, shall be recorded with such deed or lease by the register of deeds, and such copy, when so attached, and the record thereof shall in all courts of this state be *prima facie* evidence of the authority of the mayor and clerk to execute such deeds or leases. Deeds by city, by whom signed.

SECTION 81. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election Failure to hold election shall not invalidate.

or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city to be done by any officer, at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

No general law can repeal provisions of charter.

SECTION 82. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to the charter.

Board of supervisors shall have right to regard city as a town.

SECTION 83. The board of supervisors of the county of Rock shall have the right and shall regard the city of Edgerton as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the mayor of said city, or in his absence, one of its aldermen as a member of the county board. The said board of supervisors may levy tax or taxes as now is or may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks.

City clerk shall transmit copy of assessment roll to county clerk.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Rock, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

County treasurer shall sell lands.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of Edgerton, at the same time and in the same manner as other delinquent lands are sold in the county.

County treasurer to transmit amounts due city.

SECTION 86. It shall be the duty of the county treasurer of the county of Rock, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city

treasurer the amount which may have been returned delinquent, belonging to the city of Edgerton, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

County jail.

SECTION 87. The use of the jail of Rock county shall be granted to the city of Edgerton, until otherwise provided, for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases.

When connection shall cease between city and town.

SECTION 88. From and after the first Tuesday in April, A. D. 1883, the connection between the town of Fulton and that part of said town included within the limits of the city of Edgerton, for all town purposes, shall be dissolved; all that part of the town of Fulton not included within the limits of the city of Edgerton, shall constitute the town of Fulton, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Compensation of city officers.

SECTION 89. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive as compensation for their services, such sum as the common council shall determine, and the common council shall in the month of March, thereafter determine by resolution, the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation, the said officers, and each of them shall receive the same compensation as their immediate predecessor.

May call a jury in city prosecutions.

SECTION 90. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury, as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules, as in the trial of cases in justices' courts under the general laws of this state.

Assessment o street tax.

SECTION 91. The common council of said city, shall, on or before the second Monday of May, 1883, assess a street tax on the property and per-

sons in the city, liable to pay a highway or street tax, according to the laws of this state and the provisions of this act. And such tax shall be based upon the value of the property in said city, as appears upon the assessment roll of the town of Fulton, for the year 1882. Such tax shall be collected in money and expended by the street commissioner under the direction of the common council of said city; and for the collection of said tax, the said common council shall have all the powers granted by law to town supervisors, for the collection of highway taxes.

Additional powers granted.

SECTION 92. For the purpose of carrying out the provisions of this act, the common council of said city of Edgerton shall, in addition to the powers herein provided, have and possess all the powers and authority granted by the laws of this state to the town board of supervisors for the government of towns.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1885.

[No. 219, S.] [Published March 20, 1885.]

CHAPTER 79.

AN ACT to incorporate the city of Antigo.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name.

SECTION 1. All that district of territory in the county of Langlade hereinafter described shall be a city by the name of Antigo, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of Antigo, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting

and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. All that district of country included in section number twenty-nine, in township number thirty-one north, of range eleven east of the fourth principal meridian, and also the east one-half of section number thirty, in township number thirty-one north, of range eleven east of the fourth principal meridian.

CHAPTER II.

WARD BOUNDARIES.

Ward boundaries.

SECTION 1. The city of Antigo shall be divided into four wards as follows:

FIRST WARD—The first ward shall comprise all that part of section number twenty-nine, aforesaid, which lies north of the center line of Fifth avenue, prolonged to the east line of said section, and east of the center line of Clermont street, prolonged to the north line of said section.

SECOND WARD—The second ward shall comprise all of the northeast quarter of section number thirty, aforesaid, with all that part of section number twenty-nine which lies north of the center line of Fifth avenue, and west of the center line of Clermont street, prolonged to the north line of said section.

THIRD WARD—The third ward shall comprise all of the southeast quarter of section number thirty, aforesaid, with all that part of section number twenty-nine which lies south of the center line of Fifth avenue and west of the center line of Clermont street.

FOURTH WARD—The fourth ward shall comprise all that part of section number twenty-nine, aforesaid, which lies south of the center line of Fifth avenue, prolonged to the east line of said section, and east of the center line of Clermont street.

CHAPTER III.

ELECTIVE OFFICERS.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, one school commissioner, and three justices of the peace, from the city at large; and two aldermen, two school commissioners, one supervisor, and one street commissioner from each ward.

Term of office.

SECTION 2. All the officers elected from the city at large, except justices of the peace, shall hold their offices for one year, or until their successors are elected and qualified. Justices of the peace shall hold their offices for two years.

Qualified voters.

SECTION 3. All the elective officers from the city at large, and the aldermen, school commissioners and supervisors from each ward, shall be qualified voters, electors and freeholders in said city, and the ward officers shall be freeholders in the ward where elected.

Term of school commissioner.

SECTION 4. The school commissioners from the several wards and aldermen shall hold their offices for two years, and the street commissioner and supervisor for one year.

First election.

SECTION 5. At the first election in said city one of the aldermen and one of the school commissioners in each ward shall be elected for one year, and one for two years, the ballots to designate the term of office of each. Thereafter at the annual municipal election, each ward shall elect one alderman and one school commissioner, who shall hold their respective offices for two years.

Vacancies, how filled.

SECTION 6. Whenever a vacancy shall occur in the office of mayor, alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected to fill any such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Removal of officers or agents.

SECTION 7. Every officer, or agent, who shall be appointed by the common council, may be

summarily removed, by a vote of two thirds of all of the members of the common council elect, and the office declared vacant. No other officer shall be removed from office, except for good cause, nor unless furnished with charges, and an opportunity given such officer to be heard in his defense. The common council shall have power to compel any and all persons in said city to appear before it and testify, in any hearing or proceeding instituted to remove from office any officer mentioned in this act, or any agent under said city government, for any violation of duty, or of any provisions of this act, or of any ordinance, resolution, rule, order, regulation, or by-law of the common council of said city, either of omission or commission, and such violation shall be cause for removal; and to revoke and vacate any license granted under this act, and for that purpose said council may make its order commanding the person or persons therein named to appear before it and testify, which order shall be certified by the clerk of the said city, under the corporate seal thereof, and personally served on the person or persons therein named by delivering to each a true copy thereof, and for the purpose of compelling such appearance before it, and the giving of the testimony on such hearing or proceeding, the said common council is hereby vested with the same power and authority possessed by any court of record in this state, and any violation or disobedience to the commands or requirements of a subpœna issued out of any court of record in this state. The common council shall proceed to said hearing within ten days from the service of the charges upon the officer so charged, and may adjourn from time to time, as may be deemed necessary, and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the common council may, by a two thirds vote of the whole council, remove such officer and declare such office vacant.

ELIGIBILITY TO OFFICE AND QUALIFICATIONS OF OFFICERS.

Eligibility to office.

SECTION 8. No person shall be eligible to any office of said city unless he shall be a resident elector of said city, nor to any of the ward offices,

unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed; and whenever any person, elected to any city office, shall remove from the city, or any ward officer shall remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office.

Oath of office.

SECTION 9. Every person elected or appointed to any office of said city, or the wards thereof, shall, before he enters upon the duties thereof, take and subscribe the oath of office prescribed by the constitution of the state, before some proper officer, and file the same with the city clerk, within ten days after notification of election.

Bonds to be executed prior to holding office.

SECTION 10. The city clerk, city treasurer, city marshal, justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Antigo a bond, with at least two sufficient sureties, which bond shall contain such penal sum and such conditions as the common council shall prescribe. Such bonds, together with the affidavits of the sureties hereinafter provided, shall be filed with the city clerk, and recorded in books in his office for that purpose.

Sufficiency of sureties to be passed upon.

SECTION 11. The sufficiency of the sureties upon bonds, provided for in the next preceding section, may be determined by the affidavits of the sureties, severally taken, in which affidavits it shall appear that said sureties, in the aggregate, are worth, in property, over and above all debts, exemptions and liabilities, the penal amount of such bond, or the common council may, in any other manner, aside from the affidavits of such sureties, determine their responsibility and sufficiency, and either accept or reject such sureties, or require other or additional sureties.

Additional bonds may be required.

SECTION 12. The common council shall, at any and all times, have the power to require other or additional official bonds, and other or additional sureties thereon, at any time during the official term of any officer of said city.

Neglect to file deemed a vacancy.

SECTION 13. Every person elected or appointed to any office in said city, who shall neglect to take and file with the city clerk his oath of office, as

herein required; or neglect to file his official bond as provided by this act or as may be required by the common council, within ten days after notification of election or appointment, such office shall be deemed vacant, and the vacancy shall be filled as provided in this act.

Cannot go on bond.

SECTION 14. No member of the council shall be accepted as surety upon any bond, note or obligation made to the city.

Cannot hold paid office.

SECTION 15. No aldermen or member of the common council, while holding such office, shall be appointed to, or be competent to hold any office of which the compensation is paid by the city.

CHAPTER IV.

FIRST ELECTION.

First election and where the polls shall be held.

SECTION 1. The first election for said city of Antigo, for the election of city officers, shall be held in the respective wards of said city, on the first Tuesday in April, 1885, as follows:

1. The polls of election for the First ward shall be held at the lumber office of Clithero & Strong, on Superior street, at which election H. G. Borgman, R. H. McMullen and A. B. Millard shall, if present, be the inspectors thereof.

2. The polls of election for the Second ward shall be held at Spencer's Hall, on Fifth avenue, at which election B. F. Dorr, J. E. Mullowney and J. E. Clancey shall, if present, be the inspectors thereof.

3. The polls of election for the Third ward shall be held at Sherman & Dawley's office, on Fifth avenue at which election F. M. Sherman, August Shoepke, and Gilbert Bacon shall, if present, be inspectors thereof.

4. The polls of election for the Fourth ward shall be held at the office of L. Mendlik, on Superior street, at which election L. Mendlik, James Porter and J. Herman shall, if present, be the inspectors thereof.

SECTION 2. The polls shall be opened in each of said wards at nine o'clock in the forenoon, and be kept open continuously until five o'clock in the evening.

SECTION 3. The inspectors present at the open-

Clerks of election.

ing of the polls shall appoint two suitable and competent persons to act as clerks of election.

Oath of office.

SECTION 4. The inspectors and clerks of election in each of said wards shall take the oath of office, and in all things be governed by the general laws of the state for holding and conducting elections, and shall without adjournment publicly canvass the votes cast in their wards for the different offices and propositions voted for and make, sign and seal a statement in writing of the number of votes cast for each candidate and for and against any proposition voted for, and announce the result.

Board of canvassers.

SECTION 5. H. G. Borgman, from the first ward, B. F. Dorr, from the second ward, August Shoepke, from the third ward, and L. Mendlik, from the fourth ward, shall constitute a city board of canvassers to canvass the vote of said election, and shall meet at the office of L. Mendlik on the Thursday after election, at nine A. M., in said city, and there publicly canvass and count the votes cast in each of said wards for the officers to be elected, and shall then and there publicly announce the result of said election, and issue and sign duplicate certificates of election, declaring and naming the persons elected to each of the offices required by this charter. One of said certificates shall be delivered to the person elected, city clerk, and the other to the clerk of the county board of supervisors of Langlade county, to be there filed and preserved in that office.

Notice of first election how given.

SECTION 6. The town clerk of the town of Antigo shall give notice of said first election by publication thereof in two newspapers published in the city of Antigo, for two weeks next preceding the holding thereof, and the inspectors named in this act shall post, or cause to be posted, in three public places in each ward, a notice of the time and place of holding said election, at least ten days before election.

CHAPTER V.

GENERAL ELECTIONS.

General elections.

SECTION 1. The annual municipal election of said city shall be held on the first Tuesday of April in each year, for which purpose one place in each ward shall be procured and designated as election

polls, by the aldermen of the proper ward, and notice thereof shall be given by the said aldermen for at least ten days prior to said election by publication in two newspapers, if there be so many printed in said city, and by posting the same in three conspicuous places in each ward, which notices shall be signed by the aldermen of the ward in which the same are to be posted, and shall designate the time and place where the polls will be opened.

Who are entitled to vote.

SECTION 2. All male inhabitants of said city, who shall have resided therein for thirty days next preceding any election therein, and who are otherwise qualified to vote under the general laws of the state, shall be entitled to vote at such election, in the ward in which he lives.

Inspectors of election.

SECTION 3. The aldermen in each ward and the supervisor therein, shall be the inspectors of all elections held in said city, and at the opening of the polls therein, at any general or special election, the inspectors present shall appoint the clerk or clerks of election.

Canvass of votes.

SECTION 4. All general or special elections held in said city shall be held and conducted, and the votes canvassed, sealed and returned in all respects under and in accordance with the general laws of the state. And the inspectors and clerks of said elections shall possess the same powers and authority as are prescribed by the general laws of the state in regard to elections.

When polls shall be kept open.

SECTION 5. The polls of election in each ward, shall be kept open from nine o'clock in the morning until five o'clock in the evening, without intermission or adjournment, and when the polls shall have been closed, the inspectors, without adjourning, shall canvass the votes received at such polls, and make returns thereof, in writing, duly signed, stating therein the number of votes received for each person for a designated office, and the whole number of votes received, and such returns shall by them be delivered together, with the oaths of the inspectors and clerks, and the poll lists kept by them, to the city clerk, to be filed in his office within twenty-four hours after closing the polls.

Election shall be by ballot.

SECTION 6. All elections shall be by ballot; a plurality of votes shall constitute an election; and

the names of all officers voted for shall be upon one ballot.

General election laws to rule.

SECTION 7. Except as herein otherwise provided, so far as the same are applicable, all of the laws relating to general elections, as to the qualifications of electors, the manner in which elections shall be conducted, the making of poll lists, and returns, and the punishment of illegal or fraudulent voting, or attempting to vote, and for fraudulent or illegal returns and any other fraud or wrong designated under the general election laws, shall apply to all elections provided for by this act.

When common council shall meet.

SECTION 8. On Thursday next after the election herein provided for in each year, at 7:30 o'clock P. M., the common council shall meet at the council rooms in said city, and the returns of the inspectors of the various wards shall be produced by the city clerk, whereupon the common council shall forthwith canvass said returns, and determine and declare, by the greater number of votes appearing by said returns to have been cast at said election, who are elected for each of the city and ward officers as were voted for, or any or either of them, and the council shall thereupon cause a report of such determination to be made and entered upon the minutes of said council. Within twenty-four hours after such determination, the city clerk shall cause certificates of election to be served upon the persons so declared to be elected, personally, or by depositing the same, enclosed in an envelope, with the postage paid and properly directed; provided, that the city clerk shall at the same time certify to the clerk of the circuit court, the names of the persons so elected justices of the peace, and all officers authorized to administer oaths and take acknowledgments of instruments in writing, and the terms for which they were respectively elected when they have qualified.

In case of tie vote.

SECTION 9. When two or more candidates for an elective office, shall receive an equal number of votes for the same office, the election shall be determined by casting lots, in the presence of the common council, at such time and in such manner as said council may direct.

Justice to file oath of office.

SECTION 10. Every justice of the peace elected or appointed by virtue of this act, shall file such

oath of office and bond necessary to qualify, before entering upon the discharge of the duties of such office, as is prescribed by the general statutes for such officers in the several towns.

Deliver to successor.

SECTION 11. Upon the filing the oath of office and the filing and approval by the common council of any bond by any officer of the city, as in this act required, the city clerk shall, upon demand, execute and deliver to the person so entitled, a certificate of his election and qualification to the office to which he has been elected or appointed.

Taxes for fire purposes.

SECTION 12. In addition to the amount herein limited for taxes for general city purposes special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares and other objects of public utility; but no such tax shall be levied, unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people, and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Special taxes, how voted.

SECTION 13. At such special elections so called, no such special tax shall be raised or levied unless the whole number of votes cast shall equal two thirds of the whole number of votes cast in said city at the last preceding municipal election; nor unless two thirds of the votes cast at such special election shall have been cast in favor of the tax so voted for.

Freeholders only to vote.

SECTION 14. At such special election no person shall be entitled to vote unless he be a freeholder in said city.

CHAPTER VI.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Powers and duties of council.

SECTION 1. The municipal government of said corporation shall consist of a common council, composed of the mayor and the two aldermen from each ward. The common council shall annually meet on the first Monday after the annual municipal election, at 7 o'clock P. M., and at such

other times, not less than once in each month, as it shall by resolution appoint. The mayor, or in his absence or inability to act, the president of the council, for any good reason, may call special meetings by notice to each of the members, to be served personally, or left at their usual place of abode by the city clerk. The common council at any regular or special meeting, shall have power to adjourn the same to such time as it may deem proper.

President of council.

SECTION 2. It shall be the duty of the common council, at said first meeting, to elect by ballot, one of its members president of the council.

Mayor to preside.

SECTION 3. The mayor, when present, shall preside at all meetings of the common council, and in his absence or inability so to do, the president of the common council shall preside.

President pro tem.

SECTION 4. In the absence of the mayor, and president of the common council, the aldermen present, if there be a quorum, shall elect one of its members as president pro tem. of the common council, who shall have and possess all the powers of mayor while so presiding.

Each member entitled to vote.

SECTION 5. In the proceedings of the common council, each member present, including the mayor, shall be entitled to a vote; but no appropriations nor appointments to office, shall be made except by the vote of a majority of all the members elect.

Rules of procedure.

SECTION 6. The common council shall determine the rules of its proceedings not inconsistent with any of the provisions of this act. A majority of the members elect shall constitute a quorum for the transaction of business, and may compel the attendance of absent members, and in case of the refusal of absent members to attend for three successive meetings, the common council may declare the office of the member so refusing, vacant.

Vote to be taken by ayes and nays.

SECTION 7. If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution, or question, pending before such meeting, except the appointment of officers, shall, when taken be taken by the yeas and nays of all the members present, and a record of such vote shall be entered at large in the minutes of the common council.

Further duties may be required.

SECTION 8. The common council shall have the power, from time to time, to require other and

further duties to be performed by any officer, whose duties are herein prescribed, and to prescribe the duties of such other officers as may be appointed, whose duties are not herein prescribed.

Control of property.

SECTION 9. The common council shall have the general control of all the property, both real and personal, belonging to the city.

Organize board of health.

SECTION 10. The common council shall also have power at, and for such times as may be necessary, to organize a board of health, and to provide measures for the preservation of the health of the inhabitants of said city, and to prevent the spread of infectious or pestilential diseases therein. The board of health shall consist of the junior alderman of each ward, the mayor, who shall be its president; each member of the board of health shall have such powers and perform such duties as the common council, by ordinance or otherwise, shall direct. The city clerk shall be ex-officio clerk of the board of health. The common council may, by ordinance, authorize the board of health, or any member thereof, to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preservation of the public health; but no order, rule or regulation of said board, imposing a penalty, shall take effect and be in force, until the same shall have been published in a newspaper published in said city, as required for the publication of ordinances.

Modify and repeal ordinances

SECTION 11. The common council shall have the power to make, modify and repeal such ordinances, resolutions, regulations or by-laws as may be necessary to carry into full effect all the powers conferred upon it by this act. In every such ordinance, resolutions, regulations or by-law passed by said common council, it may impose such penalty for the violation thereof, or any part thereof, by fine not exceeding two hundred dollars; and if not paid with the costs, by imprisonment in the county jail of Langlade county, not exceeding six months, or by imprisonment in any other place provided by the common council for the detention or imprisonment and punishment of persons committing offenses, not exceeding three months; and shall have the power by such ordi-

nances, resolutions, regulations or by-laws and with such penalties aforesaid:

Preserve peace.

1st. To preserve peace and good order, and to restrain and prevent vice, immorality, and every kind of fraudulent device and practice.

Gaming and fraudulent devices.

2d. To restrain, prevent and suppress, houses of ill-fame, and all places of prostitution, and disorderly and gaming houses, billiard tables, and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming, and to punish the occupants and frequenters of such houses and places, and to prohibit the occupation of any room, building or any part thereof, within said city, for that purpose.

Vagrancy.

3rd. To restrain and punish vagrants, mendicants, street beggars, drunkards, and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds, and disorderly persons, and to prevent drunkenness, and disorderly and immoral conduct, and obscenity in public places and streets, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Riots, disturbances.

4th. To prevent any riots, noises, or public disturbances, and all disorderly assemblies.

Regulate the sale of liquor.

5th. To license, prevent, or regulate the sale and giving away of ardent, spirituous wines, malt, fermented and intoxicating liquors and drinks within the city, under the provisions of this act.

Slaughter-houses.

6th. To prohibit or regulate the erection or continuance of slaughter-houses in said city, and to cause the removal thereof.

Cleanse and abate nuisances.

7th. To compel the owner or occupant of any grocery, meat market, tallow chandler's shop, soap factory, tannery, stable, privy, sewer, drain, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same as often as, and whenever the common council or board of health shall deem it necessary for the health, comfort or convenience of the inhabitants of the city, and for the prevention of disease.

Putrid substances.

8th. To require the removal of any putrid or unwholesome meat, fish, hides, or skins, or any decaying substance of any kind by any person owning or occupying the premises on which the same may be found, and in case of his default to do so

within such time as may be prescribed by the council, to cause the removal thereof, and the expense thereof shall be a lien upon the lot or premises upon which the same were found, to be enforced as hereinafter provided.

Abate nuisances.

9th. To prevent, restrain, remove and abate nuisances.

Casting offal into brooks.

10th. To prevent any and all persons from casting into Spring Brook within the limits of the city, or leaving upon the banks thereof, any offal, dead animals, filth or rubbish, and to punish any person or persons doing the same.

Excavating.

11th. To prevent the digging, excavating or making of holes or places below the natural surface of the ground, wherein stagnant water or other noxious or unwholesome matter may accumulate, and to cause the filling up, cleansing or purifying of any such holes or places, by any person who may have caused, made, or in any way assisted in making the same, and in case of the default in the filling up, cleansing or purifying thereof, within such time as may be prescribed by the common council, to cause the same to be so filled up, cleansed or purified, and the expense thereof shall be a lien upon the lot or premises upon which the same existed, to be enforced as hereinafter provided.

Dead carcasses

12th. To prohibit any person from bringing or depositing within the limits of said city the dead carcass of any horse or dog, or the putrid carcass of any animal, filth or rubbish, or any unwholesome thing.

Nitro-glycerine and gunpowder.

13th. To prevent and prohibit the manufacture, keeping or storing of nitro-glycerine, and to regulate the keeping and storing of gunpowder, gun-cotton, burning fluids, coal oils and other dangerous explosive materials in said city, and to provide for the inspection of illuminating oils and fluids.

Discharge of gunpowder.

14th. To prohibit, restrain or regulate the discharge of fire-arms, and the explosion of gunpowder and gun-cotton, and the firing of fire-crackers and fire-works of any kind within the city.

Regulate candles and lights.

15th. To regulate the use of candles and lights in barns, stables, shops and out buildings.

Removal of snow and ice.

16th. To compel all persons to remove the dirt,

snow and ice from the sidewalk in front of the premises occupied or owned by them and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets, or the raising or lowering the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council, and to prohibit injury to sidewalks.

Prohibit loose horses.

17th. To prohibit the leaving of any horse, mule or team on any street without being securely fastened or hitched.

Awnings, etc.

18th. To regulate and control the erection of awnings and awning posts; to prevent the erection of signs and sign posts in the streets or over the sidewalks; and to provide for and compel the erection and maintenance of safe and convenient hitching posts and places for fastening teams, at such point or points as the council may deem necessary.

Dogs.

19th. To prevent and regulate the running at large of dogs, and to destroy them, and to impose a tax upon the owners or possessors of dogs.

Contagious diseases.

20th. To require and cause the removal from thickly inhabited parts of the city, of all persons having contagious diseases.

Exhibitors, etc.

21st. To prohibit, restrain and regulate all exhibitions of natural and artificial curiosities, caravans of animals, theatrical shows or performances, circuses and all other public exhibitions or performances for money, and to require, fix the amount and provide for the collection of license fees for any and all such public exhibitions or performances.

Ringing of bells, etc.

22d. To regulate, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise or other commodities in the streets of said city.

License auctioneers.

23d. To impose and collect license fees of each auctioneer, and commissions on the sale of goods, wares, merchandise or other personal prop-

erty by auction, and to punish any person acting as auctioneer without a license, or refusing to report sales by auction.

24th. To regulate and restrain hawking and peddling in the streets. Hawkers and peddlers.

25th. To establish and regulate a market or markets in said city; to restrain and regulate the sale of fresh meats, fish and vegetables, and to select places for the sale of hay, wood, straw, grain, lumber, lime, and all other articles offered for sale from wagons, sleighs or vehicles, and cause the same to be weighed, measured or inspected, and to establish and collect fees for such weighing, measuring or inspection, and to prohibit under penalties the sales of all such articles at any other place or places. Regulate markets for meat and fish.

26th. To establish and regulate public pounds. Pounds.

27th. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine, geese and fowls in said city, and to cause such as may be found running at large to be impounded, and to have a lien thereon for all fines, penalties, costs, poundage and damage done thereby, and to cause the same to be sold to discharge the said liens, and to punish the owners of such animals and fowls found running at large. Restrain cattle.

28th. To prevent and punish horse-racing and immoderate driving or riding in the streets or highways; to require all persons driving horses with sleighs or cutters in the streets of said city, to carry bells either upon the horses or other animals, to warn other persons using said streets, and prevent and punish persons playing any game or doing any act having any tendency to frighten horses, or annoy persons passing in, or along the streets or highways, or endanger property. Horse-racing

29th. To compel railroad companies and other corporations and persons, to do all needful and proper draining, grading and filling upon the lands owned or occupied by them, within the limits of said city; to compel railroad companies to construct and keep in repair, suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings, in said city, as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from Street crossings for railways, etc.

passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said companies, and to regulate the putting up of all necessary signs to beware of the cars, at railroad and street crossings.

Weights and measures.

30th. To prevent the use of false weights or measures.

Records of mortality.

31st. To direct and require the keeping of records of mortality by physicians, sextons, and others.

Shade trees.

32nd. To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees in the streets and public grounds in said city.

Powers of council enumerated.

SECTION 12. The common council shall have authority, by ordinances, resolutions, or by-laws:

1st. To manage and regulate the finances, and to regulate, preserve and dispose of the property, real and personal, belonging to the city.

2nd. To purchase all real estate, or other property, as may be required for the use of such city, for public uses; provided, the cost thereof shall not exceed the amounts previously limited therefor.

3d. To adopt all legal and requisite measures for levying taxes and assessments, general and special.

4th. To purchase and lay out public parks, squares or grounds, and improve the same.

5th. To establish, make, regulate, preserve and protect public reservoirs, pumps, wells, hydrants and fountains in said city, supply them with water and construct all necessary water-works for such purposes, and for the general supply of the inhabitants, and to pay for the same, and to prevent the unnecessary waste of water therefrom, and regulate and control the use thereof.

6th. To establish, construct and build all necessary drains, sewers and gutters, and maintain the same.

7th. To fix up, widen, straighten, deepen, drain, dress, or otherwise improve or abate any and all sloughs, ravines, water-courses and wet places in the limits of said city.

8th. To compel the owners or occupants of houses or other buildings to have scuttles in the

roofs, and stairs or ladders leading to the same, and suitable fire-escapes therefrom.

9th. To prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures, as may be in a dangerous state, to be put in a safe condition.

10th. To regulate and prevent the improper construction and unsafe condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus now in and about any buildings or manufactory, and to cause the same to be removed or put in a safe condition.

11th. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires.

12th. To authorize the mayor, aldermen, police, firemen and other officers of the city to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires and the protection and preservation of property thereat.

13th. To authorize and require any person appointed for that purpose to enter all buildings and enclosures at proper times, to ascertain whether the arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition.

Contracts to be let to lowest bidder.

SECTION 13. The common council shall let by proposals to the lowest bidder and not otherwise, all contracts for services or work, and materials or supplies, and order payment for the same, except as is specifically otherwise provided by this act, and may, from time to time, require any officer to furnish reports, information or estimates and to perform other and further duties than herein prescribed, if the council shall deem that the interests of the city so require.

Recording plats.

SECTION 14. The common council shall have power, by ordinance or resolution, to cause all out and in lots within said city, of less size than ten acres each, that have not been platted and recorded by the owner or owners thereof, as required by law to be platted and recorded, and to tax the charges for the platting and recording thereof, against the lot or lots so platted and recorded, to be collected in the same manner as other special city assessments and taxes.

Surveying of streets.

SECTION 15. The common council may cause all streets, highways, alleys, lanes, side and crosswalks, culverts, drains, sewers, public places in the said city, to be surveyed and described, and the established height of all grades of streets or sidewalks, to be recorded in books to be kept by the city clerk for that purpose, and to cause maps to be made and filed with the city clerk. Such records and maps, when so filed, shall be *prima facie* evidence of the facts therein described and portrayed, in all actions and places between the city and other persons, touching their location and the facts therein or thereon represented.

Levying taxes.

SECTION 16. The common council of said city shall, by proper resolutions, levy all taxes to be raised in said city, itemizing the amount so as to show the amount raised for school purposes, and for general purposes.

How school tax to be estimated.

SECTION 17. The school tax shall be based on an itemized estimate of the amount required; such estimate to be furnished to the council by the board of education of said city at the regular monthly meeting of the council in July, each year; but the council may, by a two-thirds vote of the whole council, levy more or less tax for school purposes, than the amount so estimated by the board of education.

General tax.

SECTION 18. The common council shall, annually, at its November meeting, levy a tax, not exceeding five mills on the dollar, on all the taxable property of said city, for all general purposes of said city, to be known and designated as the general fund.

Highway tax.

SECTION 19. The common council shall, annually, at its regular meeting in April, levy a tax on all the taxable property of said city, not exceeding five mills on the dollar, for highway purposes; such tax to be known and designated as the highway fund.

Treasurer to collect highway tax.

SECTION 20. Such highway tax shall be levied and carried out immediately, and the tax-roll placed in the hands of the city treasurer for collection on or before the tenth day of May, in each year. The treasurer shall forthwith proceed to collect the highway tax so levied, and shall collect the same on or before the first day of June in each year.

SECTION 21. The common council shall, at its

last regular meeting before the annual municipal election, by resolution, fix the salaries and compensation to be paid to such of the city officers and employes, to be elected or appointed under the provisions of this act, as are entitled thereto; provided, that no salary or compensation having been once fixed, shall not be increased to any officer or employe during his term of office or employment, unless by the unanimous consent of all the members of the common council elect; provided, that the salaries for the first year shall be fixed at the first meeting of the council. Salaries to be fixed by council.

SECTION 22. The common council of the city of Antigo shall, annually, at the spring election therein, submit to the voters of said city, the question of granting license for the sale of intoxicating liquor, or refusing to grant license for the sale of intoxicating liquor therein, for the then ensuing year. The question when submitted to the voters shall be upon a separate ballot, and the ballots on the license question shall be in the following form: Those in favor "For License," those against "No License;" and they shall be deposited in a separate ballot-box provided for that purpose, and whenever a majority of the voters shall declare by their votes as aforesaid in favor of license then the common council shall grant licenses according to the provisions of the laws of the state of Wisconsin on that subject, and in case the majority of the voters should declare for no license, as aforesaid, then, and in every such case, the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city; and all such licenses granted shall run from the first day of May in each year to the first day of May following; provided, however, that when any such license may be applied for after that date the same may be granted to expire on the first day of May of each year on applicant paying *pro rata* therefor; but no license shall be granted for a longer period than one year. License question to be submitted annually.

POLL TAX.

SECTION 23. The common council of said city shall have and it is hereby granted power to tax annually each male inhabitant within the corpo- Poll tax.

rate limits of said city, not by law exempt from such labor, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and to be appropriated to the improvement of streets, roads, alleys and crosswalks in said city.

List of persons liable to poll tax.

SECTION 24. On or before the twentieth day of May in each year, the street commissioner in each ward shall make out a list of the names of all male persons over the age of twenty-one, and under the age of fifty years, liable to pay such poll tax, with the amount thereof, set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year, the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the street commissioner in each ward for collection.

Persons to be notified by street commissioner.

SECTION 25. The street commissioner shall notify each male inhabitant to whom a poll tax shall be so assessed, to appear at a certain time and place in his ward, with such tools as the street commissioner shall direct; such notice to be not less than three or more than five days. If the person so notified shall appear and work for one day, agreeably to the order of such street commissioner, he shall, if he demands, receive a receipt for the poll tax so assessed; provided, however, that the person so assessed may, at his option, pay such poll tax in money. And if any person neglects to pay the same for two days thereafter, the street commissioner shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, and in default of payment of such judgment execution shall issue against the defendant as in cases of tort, and the first process in such action shall be by civil warrant; and the street commissioner shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the street commissioner, while said list is in his hands for collection, may put upon the same, the names of all such persons liable to such tax, as may have been omitted therefrom, who shall then

be liable, the same as if their names were originally placed in such list.

Street commissioner to give bonds.

SECTION 26. Every street commissioner shall, before entering on the duties of his office, give a bond to the city of Antigo, with one or more sureties, to be approved by the common council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council, whenever required by law, or the ordinances of said city, or by vote of said common council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse or pay over as required by law, or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of his said office.

City marshal to be elected.

SECTION 27. The common council of said city shall at its first meeting after election, elect a city marshal of said city, who shall before he enters upon the discharge of the duties of his office take the constitution oath of office and give a bond to said city, and to each and every person entitled thereto, for all moneys that may come into his hands by virtue of his office.

Salaries to be paid to city clerk and city assessor.

SECTION 28. The city clerk and city assessor shall be paid a salary to cover all services rendered by them; the common council may also, in its discretion pay the marshal a salary, in which case the salary so fixed shall be in full for all services which the marshal may render by direction of the council, and shall also be payment in full for any and all services rendered by him in or for which the city may or shall eventually become liable.

Temporary loans to be made.

SECTION 29. The common council may, by a two-thirds vote of the whole council, make temporary loans at such rates of interest as it shall decide for the general purposes of said city; and may, in its discretion in anticipation of the highway tax levied but not paid in the month of June in any year, make temporary loans for highway purposes, but no such loan shall, in any event, exceed the amount of tax levied for highway purposes, and all moneys so loaned by the city for highway purposes, if any, shall be apportioned to the several wards on the basis of the tax levied.

SECTION 30. The common council shall annu-

Street commissioners per diem.

ally fix and limit the per diem of the several street commissioners in said city.

CHAPTER VII.

OFFICERS, THEIR DUTIES AND POWERS.

Officers, their powers and duties.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall see that all laws relating to the peace and good order of the city, as well as the ordinances of the city, are enforced, and shall exercise a constant supervision over all other officers of the city. He shall receive and examine into all complaints against all subordinate officers for misconduct, inefficiency or neglect of duty, and may, when the interests of the city are in danger of being impaired, summarily suspend such officer until the next meeting of the common council, at which time the mayor shall make report to the common council of his action in writing, setting forth all of the facts and circumstances in relation thereto, and the common council may dispose of the matter in the same manner as hereinbefore provided for the removal of persons from office. He shall recommend from time to time to the common council such measures as he shall deem expedient and necessary for the welfare of the city. He shall possess all the power and authority conferred upon mayors of cities by the general laws of the state. He shall have power, with force if necessary, to suppress all tumults, riots and unlawful assemblies, all revelling, quarreling, or other disorderly conduct, to the disturbance or annoyance of the peaceable inhabitants of the city. He shall have control, subject at all times to be restricted by the common council, of the city marshal and the entire police force of the city. He shall have power to admit to, or discharge without bail, any and all persons arrested by the police force of the city without warrant. He shall have power to administer oaths required in the discharge of the duties of his office. He may call special meetings of the common council, by order in writing, specifying therein the object for which such meeting is called, to be filed with the city clerk, and when such order is filed it shall be the duty of the city clerk to serve or cause to be

served on all the members of the common council a copy thereof, personally or by leaving the same at the place of residence or business of each member to be served. And at such special meeting of the common council so called the common council shall not transact any other business than that so specified in the call. He shall have power, for cause, to pardon any person convicted for violation of any city ordinance. He shall communicate to the common council, as soon as practicable after his election, and as often thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement. He shall possess all such other powers, and perform all such other duties, as are incident to, and are necessary for, the faithful discharge of his duties under this act.

Powers of president of council.

SECTION 2. The president of the common council shall possess all of the powers, and perform all of the duties of the mayor, in his absence or inability to act.

Duties of clerk

SECTION 3. The city clerk shall attend all the meetings of the common council, and keep a correct record of its proceedings. He shall have custody of the corporate seal, and of all the papers and records of the city, that by provision of law, or by direction of the common council, are required to be kept in his office, or filed by him. He shall see that all ordinances, orders, resolutions, notices and other matters requiring publication, are promptly and correctly published in such paper or papers as the common council may have directed, and that due proof thereof be made and recorded, as in this chapter provided. He shall record all papers and proceedings required by any of the provisions of this act, to be recorded in his office. He shall serve in the capacity of clerk of all such boards or committees as the common council may direct. He shall attest all orders drawn upon the treasury, and sign all licenses granted by the common council, and keep correct records thereof, in books provided for that purpose, in such manner as may be designated by the common council. He shall keep a detailed account of the financial condition of the city; of the amounts expended through orders drawn upon the treasury; of all balances remaining unexpended; of the condition of any fund or separate

appropriation for particular purposes; of the amounts received into the city treasury, as appears by the reports of the treasurer, and all other facts desired by the common council, at any regular meeting, or at any other time. He shall do and perform any other or further act or service, in relation to any details in the matter of keeping books of account, records or proceedings, which the common council may, by ordinance or resolution, require. He shall make copies of the assessment roll of the city, as may be required by the law of the state or common council. He shall keep a record in detail of the bonded indebtedness of the city, in such manner as will show the amounts required to be paid each year for interest and principal, or to invest in a sinking fund. He shall, before the levy of any annual tax by the council, make report of all amounts in detail, which the city will be required to pay towards any indebtedness, and such facts and statements of past expenditures, as will enable the council to make proper estimates for tax levies. He shall keep a record of all the proceedings in matters relating to the condemnation of private property for public use, all proceedings in any improvement by which the expense, or any portion thereof, shall be chargeable to any real estate. He shall at the regular meeting each month, make a report to the common council of the amount of money belonging to the general fund in the city treasury at the last meeting, the amount of orders drawn on said fund since last meeting, and the balance on hand at the date of meeting. He shall have power to administer oaths and affirmations in the discharge of the duties of his office, and may, when authorized by the common council, appoint a deputy city clerk, who, when so appointed, shall possess all the powers and authority of city clerk. The city clerk may, in addition to his salary, receive such fees as the common council may prescribe for filing chattel mortgages and making certified copies of the same, or for any service in connection with his office, not in this act specified, or hereafter required by the common council.

Duties of treasurer.

SECTION 4. The city treasurer shall receive, and safely keep until lawfully paid out all moneys belonging to the city, and keep accurate and detailed accounts thereof, with an accurate account of all

disbursements, in such manner as the common council shall direct. He shall collect all licenses, duties, commissions and moneys, due the city, all general and special taxes, and assessments, which may be lawfully charged, levied or assessed upon the real and personal property in this city, and chargeable therewith, and exercise the same powers, and be subject to the same liabilities as treasurer of towns, except when a special direction and duty is imposed by this act. He shall pay all orders drawn upon the treasury, by authority of the common council, or as may be required under any special provision of this act. He shall report to the common council, at the end of each month, the actual amount of money in the treasury, together with the amount of money received and paid out. He shall accompany such reports with all orders, redeemed and paid by him, which said account and orders, with any and all other vouchers held by him, shall be delivered over to the city clerk and filed in his office, after the same shall have been examined by the common council; and all such orders so presented, when credited to the treasurer, shall be canceled by the common council in such manner as the common council shall direct. He shall, at the end of his official term, or oftener, as may be required by the common council, make a detailed report of all the transactions of his office, and at the end of his term of office shall thereupon deliver over to his successor in office, all money or property belonging to the city, as well as all books, records, papers or documents in any way pertaining or belonging to the office. The treasurer shall, in addition to the duties herein enumerated, do and perform all the duties provided to be done and performed by him in any portion of this act. The fees of the city treasurer shall be as follows: For collecting the highway tax he shall receive two per cent. on the amount collected; for all taxes in the general tax roll collected on or before the tenth day of January in each year, he shall receive one per cent. on the amount collected; for all taxes collected between the tenth day of January and the tenth day of February in each year, he shall receive two per cent. on the amount collected, and for all taxes collected after the

tenth day of February in each year, he shall receive three per cent. on the amount so collected.

City marshal.

SECTION 5. The city marshal shall perform such duties as shall be prescribed by the common council for the preservation of the peace. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and forthwith bring such person before a justice of the peace for examination or trial, and for such service he shall receive such fees as are allowed by law to constables for like services in this state; provided, that if said city marshal perform any labor by direction of the common council or required by law, for which no fees are allowed, he shall receive such compensation as the common council shall determine. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which will be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers and authorities and be subject to the same liabilities as the marshal.

Powers of supervisors.

SECTION 6. The supervisors elected under this act shall be members of the county board of supervisors, and, as such, shall have the powers of the chairman of the board of supervisors in the several towns of this state, except as qualified by the provisions of this act; and in case of any vacancy, in either of the wards, in said office, or inability of the supervisors elect to act, the senior alderman from such ward shall be and act as such supervisor until the vacancy is filled or disability

removed, and such alderman shall have all the powers and discharge all the duties of the office of supervisor.

Assessors.

SECTION 7. The assessors elected under this act shall, in all things pertaining to their offices, be governed by the same laws as assessors under the general laws of this state, and their compensation shall be established by the common council.

Board of review.

SECTION 8. The board of review shall consist of the mayor, clerk, assessor and senior aldermen from each ward. They shall meet on the day fixed by law for that purpose, and in all things be governed by the general laws of this state. The members of the board of review shall receive five dollars each for his services during all the sessions of the board for the year, and no more.

Justices of peace.

SECTION 9. Each of the justices of the peace provided for in this act shall hold a court for the trial and determination of such actions, civil and criminal, as they have jurisdiction of as justices of the peace under the general laws of the state or the provisions of this act. All the general laws of the state of Wisconsin, relative to the proceedings in justice courts in civil or criminal proceedings, shall apply to the courts of such justices, except as otherwise provided in this act.

Jurisdiction of justices.

SECTION 10. The justices of the peace of said city shall have exclusive original jurisdiction of all criminal cases arising in said city, to try and determine, or commit for trial, as may be, and of all cases, civil or criminal, arising under the ordinances, rules or regulations of said city. All the general provisions of law concerning the trial of criminal offenses, and the conducting of criminal prosecutions, appeals from the judgments of the justice, the fees of officers, and proceedings in which, upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act. When an act or omission, declared to be an offense by the general laws of the state, is also made an offense by the provisions of this act or the ordinances of the city, passed pursuant thereto, a conviction or acquittal in a prosecution under the general law shall be a bar to a prosecution under this act, or such ordinances. The persons accused shall have the same right to a removal of the case for prejudice as provided by the general laws of the state. All fines collected on convic-

tions for such acts or omissions shall be paid into the city treasury, and become a part of the general fund thereof.

Appropriate highway tax.

SECTION 11. The common council shall annually, before any highway taxes are expended, appropriate and set apart from the whole amount of highway tax levied such sum or portion as it shall deem necessary, not to exceed one-fourth of the amount so levied, to be expended by the common council on Fifth avenue and the extensions thereof to the city limits east and west, and on Clermont street and the extensions thereof north and south to the city limits, all other boundary streets between wards in said city. All highway taxes shall be expended in the wards where raised and paid, except the amount which may be appropriated by the common council for the streets above mentioned. The city clerk shall prepare and deliver to the street commissioner in each ward, on or before the first day of June in each year, a statement of the amount of highway taxes belonging to his ward, and file a duplicate thereof with the city treasurer. The aldermen and street commissioner in each ward shall constitute a committee for the purpose of laying out and expending the highway tax therein. Said committee shall direct the expenditure of all highway taxes in its ward and the street commissioner shall have charge and control of all work so directed; and for that purpose shall have authority to employ men and teams, and to procure such tools as shall be necessary; but the committee shall fix and limit the wages to be paid in all cases, and to make all purchases of tools or implements bought or used. The street commissioner shall prepare and submit to the aldermen of his ward, a monthly statement of the amount expended by him, showing the number of days work done by men, the number of days team work, the names of the men and owners of teams so employed, and all other work done. When such statement shall be approved by the aldermen of such ward, by endorsing their approval thereon, the street commissioner shall file the same with the city clerk. The city clerk shall issue orders to all persons named in such statement, for the amount to which each person named therein shall be entitled, and when such orders are

countersigned by the mayor, they shall be delivered to the persons named therein, and the amounts charged to the highway fund of said ward.

CHAPTER VIII.

ORDINANCES.

Ordinances to be duly signed.

SECTION 1. Every ordinance of the common council shall, before it takes effect, be duly signed by the mayor and attested by the city clerk; provided, however, that no ordinance shall be in force until it shall have received at least one publication in a newspaper published in the city of Antigo, and proof of such publication by the affidavit of the publisher, printer or foreman of such newspaper be filed with the city clerk; and the ordinance and the proof of publication thereof shall be recorded in a book kept for that purpose.

Style of ordinances.

SECTION 2. The style of all ordinances shall be, "The common council of the city of Antigo do ordain as follows," etc.

Prima facie evidence.

SECTION 3. A printed copy of an ordinance passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council of said city, as certified by the clerk of said city to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in the state.

CHAPTER IX.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, LAWS, ETC.

Sue for and recover penalties.

SECTION 1. The city of Antigo may sue for and recover any and all penalties, or forfeitures, under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, in the corporate name of said city of Antigo, any general law of the state to the contrary notwithstanding, and such action shall be commenced by complaint, substantially in the following form:

Form of complaint.

State of Wisconsin, } ss.
City of Antigo and County of Langlade. }

——, being duly sworn complains on oath, to ——, a justice of the peace in said city, that —— did on the —— day of ——, 18—, violate the —— section of an ordinance, by-law or resolution (describing it by its title and number of section), which said —— is now in force, as this deponent verily believes, and prays that said —— may be arrested, and held to answer to the said city of Antigo therefor.

Sworn and subscribed to before me this —— day of —— 18—. —— ——.

It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by-law, regulation or resolutions, or of the law violated in such complaint, with the number of the section or sections. Upon the filing of said complaint with the justice having jurisdiction a warrant shall issue thereon substantially as follows:

Form of warrant.

State of Wisconsin, } ss
City of Antigo and County of Langlade. }

The State of Wisconsin, to the city marshal of said city of Antigo, or the sheriff or any constable of said county, greeting:

Whereas, —— —— has this day complained to me in writing on oath that —— —— did, on the —— day of ——, A. D., 18—, violate the —— section or sections of an ordinance, by-law, regulation or law (describing it by its chapter or number), which said —— is now in force and effect, as said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said —— and him forthwith bring before —— to answer to said city of Antigo on the complaint aforesaid.

Given under my hand this —— day of ——, 18—.

Witnesses and jurors shall attend.

SECTION 2. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon process of the court, duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, and thereupon the court shall

adjourn the cause to a day certain, and issue a new venire as aforesaid.

Guilty or not guilty.

SECTION 3. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum shall fix the amount of such fine, penalty or forfeiture as he shall deem best, within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty the costs, as in actions in justice's courts, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution, of the property of the defendant, as provided by law in civil actions before a justice of the peace.

Judgment, how recovered.

SECTION 4. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Langlade county, for a term not exceeding six months, or in the police station, not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor, during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Langlade county, or in the police station, according to the terms of the execution. Such execution may be in the following form:

State of Wisconsin, }
City of Antigo, } ss.
County of Langlade, }

Form of execution.

The state of Wisconsin, to the sheriff or constable of said county of Langlade, the city marshal of said city, the keeper of the common jail of said county, or the keeper of the police station:

Whereas, the said city of Antigo, on the —— day of ——, 18—, recovered a judgment before the ——, of said ——, against ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint). These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —— (excepting such as the law exempts), and make sale thereof according to law in such case made and provided, to the amount of said sums together with your fees, and twenty-five cents for the execution; and the same return to me within thirty days; to be rendered to the said ——, for said judgment and costs, and for want of said goods and chattels whereon to levy, to take the body of said ——, and him convey and deliver unto the keeper of the common jail of said county, or to the keeper of the police station of the city of Antigo, who is hereby commanded to receive and keep the ——, in safe custody in said ——, and at hard labor for the term of ——, unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by the due course of law.

Given under my hand this —— day of ——, 18—.

—— ——.

Penalties to be paid into city treasury.

SECTION 5. All penalties, forfeitures, fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer, within one month after the receipt thereof, by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice, shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city, against the officer and his sureties for the default.

Appeal from judgment may be taken.

SECTION 6. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Langlade county by

filing an affidavit and bond and complying with the requirements of appeals in civil cases before justices of the peace; provided, however, that such appeals should be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justices shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justices shall transmit the papers in the case so appealed, with a transcript of his docket, to the circuit court within the time and in the manner prescribed in cases appealed from justices of the peace.

Jail fees, how audited and allowed.

SECTION 7. The jail fees and officers fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may by resolution direct the judge or justice to discharge from the jail or police station any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless, said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by indorsement from time to time, before or after the return day thereof; and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

CHAPTER X.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city of Antigo shall commence on the second Tuesday of April.

City treasurer to hold funds.

SECTION 2. All moneys, credits and demands belonging to the city of Antigo, shall be kept by and deposited with the city treasurer and be under control of the common council, and shall only be drawn upon orders signed by the mayor and

city clerk, duly authorized by a vote of the common council, and in no other manner, provided, that the school fund may be drawn out, as provided by other provisions of this act, and all resolutions adopted by the common council authorizing the expenditure of moneys, shall appropriately specify the amount to be expended, and no extra or additional compensation shall be allowed or paid on any contract, or on account of any contract, or to any officer, contractor, person or persons, for any service or work done, or material furnished to, or for the city.

All debts to be authorized.

SECTION 3. No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members elect of the common council, and the vote authorizing the same shall be entered by ayes and nays, upon the journal of the common council; provided, that the common council shall not in any case or under any pretext, or for any purpose whatever, contract debts or liabilities of any kind, name or nature, exceeding the amount which it is authorized by the provision of this act to levy for the current year.

All fines, penalties to be paid to city treasurer.

SECTION 4. All forfeitures and penalties accruing to the city for violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, passed thereunder, or for any act of omission or commission forbidden or made punishable by or under the general laws of the state, which act of omission or commission is also forbidden or made punishable by any ordinance, by-law or regulation of said city, and all moneys received for licenses and insurance percentage, and from all other sources for the city shall be paid into the city treasury and become a part of the general fund; and all moneys received for tuition of scholars under this act, shall be paid into the treasury and become a part of the school fund.

Orders made payable to person to whom drawn.

SECTION 5. All orders drawn upon the treasury of the city shall be made payable to the order of the person in whose favor they may be drawn, and shall be transferred only by indorsement. Each order shall specify upon its face the purpose for which it was drawn, and from which fund the same is to be drawn, and the same shall be payable out of the proper fund, and all such

orders shall be received in payment of any municipal tax levied and assessed.

No interest to be paid unless authorized expressly.

SECTION 6. No interest shall be allowed or paid on any city order or certificate of indebtedness, unless the same is expressly authorized by the common council, by a vote of a majority of all the members elect.

Two per cent. tax upon fire insurance companies.

SECTION 7. All corporations, companies and associations, by their respective underwriters or agents, engaged in said city in effecting fire insurance, shall account and pay to the city treasurer the two per cent. upon the amount of all premiums which shall have been received or agreed to be paid for insurance, at the times and in the manner and form prescribed or provided for by section 1926, revised statutes.

Real estate subject to special taxation.

SECTION 8. Real estate exempt by the laws of this state from general taxation, shall be subject to special taxes for the building of streets, sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given, and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax.

Annual statement to be published.

SECTION 9. The common council shall, at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and a detailed itemized statement of all accounts allowed during the fiscal year, stating the nature and purpose of each account, and by whom presented, and to whom paid, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

CHAPTER XI.

STREETS AND HIGHWAYS.

Streets and highways.

SECTION 1. The common council of the city of Antigo shall have the same power and authority to lay out, alter, widen or discontinue any street or highway within the limits of said city, that is now or may hereafter be conferred on the supervisors of towns in this state, and all streets, highways or alleys within the limits of said city hereafter laid out, ordered or discontinued shall be laid out, altered or discontinued by the common council of said city, under the provisions of chapter 52, of the revised statutes, and in all respects in the same manner as is provided in said chapter 52, for the laying out, altering or discontinuing highways in the towns of this state.

Power to open and lay out.

SECTION 2. The common council shall have power to lay out and open alleys within the limits of said city, in the same manner as highways, upon petition of a majority of the property holders abutting the proposed alley; provided, that any damages awarded to any property holder abutting said alley shall be assessed on all property abutting said alley, in equal proportion, according to the number of feet fronting on said alley.

CHAPTER XII.

BOARD OF EDUCATION.

Board of education.

SECTION 1. The city of Antigo shall constitute a school district, and all matters pertaining to the control, management and government thereof shall be vested in the board of education, consisting of two school commissioners from each ward, and one from the city at large, which said board shall be a body corporate, by and under the name of the board of education of the city of Antigo, with power of contracting and being contracted with, of suing and being sued, and shall have perpetual succession by and under that name.

When board shall meet.

SECTION 2. The board of education shall meet at the council rooms, in the city of Antigo, on the second Tuesday after the charter election, at seven

o'clock P. M., and at such meeting shall choose one of its members president; it shall also elect a secretary of the board, who may or may not be a member of the board, and the secretary shall receive such salary as the board may direct, not to exceed fifty dollars per annum.

President to be executive officer of board.

SECTION 3. The president shall be the executive officer of the board and shall preside at all meetings of the board, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district he shall appear on behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring the appropriation of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on other questions the ayes and noes shall be called when any member shall request it.

Duty of secretary.

SECTION 4. The secretary shall attend all meetings of the board, keep a true record of all the proceedings thereof, take the school census of the city annually, assist in grading the schools and visit and report the condition of any school in the city when directed by the board, make all reports required by law to be made by such board and record the same, to safely keep and preserve all records of the board, and deliver the same to his successor in office, and do and perform any and all other services that may be required of him by the board.

Board to make rules and regulations.

SECTION 5. The board of education may make all necessary rules and regulations for its government and proceedings, and in the absence of the president of the board may elect from its own number a presiding officer *pro tempore*.

Quorum, how constituted.

SECTION 6. The board may meet, from time to time, and at such place in the city as it may designate, and a majority of the commissioners shall always be required to constitute a quorum.

Clerk to keep a record.

SECTION 7. The clerk of the board shall keep a record of the proceedings of the board, in a book to be provided for that purpose, and shall record

copies of all official reports made by the board, or the superintendent of schools. He shall also under the direction of the board, take the annual enumeration of the scholars residing in the city at the time prescribed by law, and shall keep and preserve all books, records, papers or other property belonging to his office, and deliver the same to his successor in office.

Power of board defined.

SECTION 8. The board of education shall have power:

1st. To organize and establish such and so many schools in the city, and in the several wards, as it may deem necessary, and required for the public good, and alter or discontinue the same at pleasure.

2nd. To have the custody and safe keeping of the school buildings and lots, the books, furniture, school apparatus and appendages, and all the property belonging to the schools.

3d. To contract with and employ, in behalf of the city, all teachers in the schools of said city, under the direction of said board, and who shall have been licensed, and at its pleasure remove them.

4th. To hire buildings suitable for school houses, and lease sites for the same, and to purchase necessary fixtures, furniture and apparatus for the schools of the city; but only with the consent of the common council as hereinafter provided.

Salaries to be determined.

SECTION 9. It shall be the duty of the board of education, before the commencement of the school year, annually to determine the amount of salaries or wages to be paid to the teachers in the several schools and grades respectively, for the year then next ensuing, and report the same to the common council for its action.

Teachers' wages to be fixed by board.

SECTION 10. The common council shall consider the report or reports so made, and shall act thereon, and by resolution fix the salaries or wages to be paid to the teachers in the several schools respectively, according to grades, which resolution shall be certified by the city clerk to the board of education, and thereafter such board shall not contract for the payment of any salary or wages greater than the sum fixed in said resolution, except by the special order of the common council.

SECTION 11. The board of education shall also,

annually, before the close of the school year, make estimates of the expenses for necessary repairs to school buildings, furniture, apparatus, school-room fixtures, incidentals, fuel, cleaning and care of rooms and rent of buildings, necessary to be incurred in the next ensuing year, and file the same with the city clerk. Estimates for repairs to be made.

SECTION 12. The board of education shall, from time to time, make such rules and regulations for the government and organization of schools, for the reception and instruction of pupils, and their transfer from one school to another, and for the promotion and good order and discipline in schools, as to it shall seem expedient, and also for the care and management of the several school rooms, fixtures, furniture, and apparatus in the city, and shall establish the text books to be used therein. Rules and regulations to be made.

SECTION 13. The board of education shall have power to allow the children of persons not resident in said city, to attend any of the schools therein, upon such terms as the board shall, by resolution, prescribe, fixing the tuition therefor; provided, that no such pupil shall be received until he or she shall have paid into the city treasury in advance for the current term the amount of tuition fixed by said board to be paid therefor. Non-resident children may be allowed in district.

SECTION 14. It shall be the duty of the board of education to report to the common council on the first Monday of August, in each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since its previous report, and also to do and perform all other duties that may be required by any general law of this state, to entitle the schools of said city to participate in and enjoy the benefit of school money or school fund apportioned among the schools of the state. Condition of the several school-houses may be reported.

SECTION 15. The teachers' wages and all moneys due upon contract under this chapter, shall be audited by the board of education and paid by an order on the treasury, signed by the president of the board and the secretary, and specifying on its face the purpose for which it was drawn. Teachers' wages, how paid.

SECTION 16. All the supplies of the several

Supplies for school.

school-houses and schools, exceeding fifty dollars shall be furnished by contract let to the lowest bidder by the board of education, subject to the approval of the common council.

Members of board to have no pecuniary interest.

SECTION 17. No member of the board of education shall have any interest, directly or indirectly, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Title of school-houses to rest in city.

SECTION 18. The title of the school-houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be vested in the city of Antigo, and the said city may accept, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by other designation, or to any person or persons or body for the use of said schools.

No compensation for school board.

SECTION 19. No member of the board of education shall receive any compensation whatever for services rendered as a member of said board, or for services rendered on any committee of said board, under any pretext whatever, except when a member of said board shall be elected secretary thereof he may receive such salary as is herein provided for said secretary.

CHAPTER XIII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building, or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired and to direct, that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, to prohibit the repairing or rebuilding of wooden buildings within the fire limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage,

and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of buildings may be prevented.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as it shall prescribe and to regulate the use of them in case of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire, all idle and suspected persons, and compel all bystanders to aid in the extinguishment of fires, and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire-engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed forty able bodied men, between the ages of eighteen and fifty years, and may elect its own officers and form their own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by volunteer enlistment. Every member of said companies hereby authorized to be formed shall be exempt from highway work and poll tax, and from serv-

ing on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of seven years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens.

SECTION 4. The mayor shall appoint two firewardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may, at any time, enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Penalty for refusal to obey lawful order of engineer.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, or the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the city marshal, constable, or watchman or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any such person who shall refuse to arrest or aid in arresting any person, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Power to organize a sack company.

SECTION 6. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Antigo, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires, it shall take charge of all property which may be exposed or endangered,

and shall, as far as may be in its power, preserve the same from injury or destruction. Such company may, from time to time, adopt such laws as it deems necessary not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of fire department.

SECTION 7. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Election of clerk or secretary.

SECTION 8. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk required to keep a record.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Wood a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for

the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Officers of fire department.

SECTION 10. The officers of the fire department shall be a chief engineer, an assistant chief engineer, a secretary and treasurer. The several fire companies shall hold at least one annual meeting for the purpose of electing department officers, the first meeting to be called by the mayor. Each member of the several companies, in good standing, shall be entitled to a vote in the election of department officers, and a majority of the votes cast shall elect. The officers so elected shall be subject to confirmation by the common council.

CHAPTER XIV.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALKS.

Sidewalks.

SECTION 1. The common council shall have power to order the building, construction, reconstruction or repair of sidewalks in the city of Antigo in such manner as it may deem proper; provided, however, that when any member of the common council shall offer a resolution for the construction of any sidewalk in the city, the resolution shall be referred to the proper committee and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and the block opposite which it is proposed to construct such sidewalk. The city clerk shall within five days after such resolution is introduced and referred, serve a copy of such resolution on each and all of the residents or occupants of lots on the street or streets, along which it is proposed to build such sidewalk.

SECTION 2. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by the common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street or part of street, or lands described in said resolution. The common council, in such order, shall designate and determine the street or part of street along which such sidewalk shall be so constructed, and the time

within which the owner or owners of the property along such street or streets shall build the same. If the owner or owners of any such lot or lots, or of such lands shall fail to so construct such sidewalks opposite the lot or lots, or lands so owned by him or them within the time limited in said order, the city shall construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or lands, opposite which the city shall have so constructed such sidewalk.

City marshal shall serve a copy.

SECTION 3. Within three days after said order shall have been entered as aforesaid, the city marshal of said city shall serve a copy of such order upon the residents and occupants of the lots or lands opposite which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners or occupants in said city. In case any owner or owners of any such lot or lots, or of such lands, shall not reside thereon, or in the city of Antigo, or his or their name or names shall be unknown to the city marshal, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once and at least ten days before the expiration of the time limited in said order for the construction of such sidewalk. As soon as the city marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof; and in case the order shall have been published as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Building of sidewalks.

SECTION 4. At any time after such order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands opposite which such sidewalk is to be constructed, may, at his or their own expense, and in the manner and of the width and material designated in such order, construct such side-

walk opposite the said lot or lots or lands owned by them respectively.

Street commissioner to inspect the walk.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the street commissioner of the ward in which said sidewalk is ordered to be built shall examine the street, part of street or block along which said sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing, signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been constructed, in conformity with such order and shall describe the lots or parts of lots or lands, if any, opposite which sidewalk has been so constructed as well as the lots, parts of lots or lands, if any, along which said sidewalk has not been so constructed.

Sidewalks to be constructed according to plans.

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Expense to be reported in writing.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expense actually incurred by him in so constructing that part of such sidewalk in front of each lot, or part of lot, or land, opposite which it appears by his report, the owner or owners of such lot or part of lot, or land, had failed as aforesaid to construct sidewalk.

Expense to be levied by resolution of council.

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot, or lands, opposite which any sidewalk or part of sidewalk shall have been so constructed, by said street commis-

sioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots, or parts of lots, or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot or parts of lots or lands. On or before the first day of December of each year, the city clerk of said city, shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer of said city for collection, and opposite to the description therein of each of said lots, or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by aforesaid resolution adopted by the common council, and the said special taxes shall be collected or returned delinquent in the same manner as town, county, and state taxes are collected or returned delinquent by law; and the lots, or parts of lots, or lands, upon which such special taxes may be so levied and assessed may be sold and conveyed for the non-payment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Repair of dangerous sidewalks.

SECTION 9. Whenever it shall be necessary in the opinion of the common council to repair or reconstruct any sidewalk the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any lot or piece of land shall not exceed three dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owners shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks

are levied and collected from the lots and lands abutting thereon.

CHAPTER XV.

MISCELLANEOUS PROVISIONS.

Work to be let by contract.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract, and the council shall have the right to reject any bid when it is deemed for the interest of the city to do so.

Remission of penalties.

SECTION 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a majority of the aldermen elect.

No property shall be sold to satisfy city obligation.

SECTION 3. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Deeds and leases.

SECTION 4. When the city of Antigo deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Antigo, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Use of corporate seal.

SECTION 5. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution, for that purpose (describing the real estate and interest to be conveyed) order and direct him so to do, to execute a deed or lease of such real estate, or interest therein belonging to said city; the said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

Attested copy to be attached to deed.

SECTION 6. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy, so attached and recorded, shall be, in all the courts of this state, *prima facie*

evidence of the authority of such mayor to make and execute such deed or lease.

In case judgment is rendered against any person.

SECTION 7. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non-payment thereof, all subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay in case of payment of said judgment.

Duty of keeper of jail.

SECTION 8. The keeper of the common jail of the county of Langlade, is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty.

Member of council not eligible to any other office.

SECTION 9. No member of the common council shall be eligible to any other office provided for by this act, during the term for which he shall have been elected or appointed. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Shall not be interested in any job.

SECTION 10. No member of the common council shall be a party to, or interested in any job or contract with the city, or any department thereof; and any contract in which any such member may be so interested, shall be null and void. No member of the common council shall sign any bond as surety for the performance of any contract or agreement with such city, or official bond to such city during his term of office.

Licenses to be signed by the city clerk.

SECTION 11. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount to be paid therefor.

Penalty for voting money to himself.

SECTION 12. Every member of the common council of the city Antigo who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, members of the board of registry, and as members of the board of

review; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before any justice of the peace in the city, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail, not more than thirty days, nor less than ten days, or both, at the discretion of the court.

How action in tort shall lie.

SECTION 13. No action in tort shall lie or be maintained against the city of Antigo, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

In case of grave offenses.

SECTION 14. Whenever any grave or heinous crime shall have been committed in said city against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense; provided that such reward shall, in no case, exceed one hundred dollars.

Offices to be filled without fee.

SECTION 15. The offices of mayor, aldermen and school commissioners shall be filled by their incumbents without fee, compensation or salary for any services.

Deliver to successor in office.

SECTION 16. All city or ward officers, at the expiration of their term of office, or upon their resignation, removal or vacation from office, shall immediately deliver to their successor in office all property, moneys, books, papers and effects of every description in their possession belonging to the office they may have held. Any person who may have held an office, neglecting or refusing so to do for twenty-four hours after the presentment, by his successor, of the city clerk's certificate of his successor's election or appointment and qualification to the office, shall forfeit and pay to the

use of said city, for every twenty-four hours' refusal, the sum of one hundred dollars and all damages and costs incurred, either by the said city or his successor by reason of such neglect or refusal.

Meeting to be arranged with supervisors of town.

SECTION 17. The common council of the city of Antigo, or a committee thereof, to be appointed thereby for that purpose, shall meet with the board of supervisors of the town of Antigo, at the common council rooms in the city of Antigo, upon six days' notice given by either party to the other, by service thereof on the town or city clerk, for the purpose of apportioning and dividing the credits and indebtedness of the town of Antigo, as the same shall be found to be on the first Tuesday of April, 1885.

Credits and liabilities to belong to city.

SECTION 18. All the credits and liabilities of the town of Antigo, as they shall be found to exist on the first Tuesday of April, 1885, shall be apportioned to the city and town of Antigo on the basis of the last assessment of said town.

Apportionment of indebtedness.

SECTION 19. A certified copy of such apportionment, signed by said town board and said common council, shall be filed in the office of the town clerk of the town of Antigo, in the office of the city clerk of the city of Antigo, in the county clerk's office, and in the county treasurer's office and the proportion of the indebtedness due from Langlade county to the town of Antigo, which shall be apportioned to the city of Antigo, shall be paid to the treasurer of said city, and become a part of the general fund thereof.

Indebtedness to be levied in tax roll.

SECTION 20. The city clerk of the city of Antigo shall insert and levy in the tax-roll of said city, for the year 1885, the amount of the indebtedness of the town of Antigo, which shall be apportioned to said city, and the treasurer of said city shall pay the same to the treasurer of the town of Antigo, take his receipt therefor, and file the same in the office of the city clerk, and thereupon and thereafter the city of Antigo shall stand released of and from any and all liabilities of said town of Antigo.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1885.

[No. 228, A.] [Published March 20, 1885.]

CHAPTER 80.

AN ACT to amend chapter 175, of the laws of Wisconsin for the year 1883, entitled, "an act to incorporate the city of Sparta."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 3, of sub-chapter 1 amended.

SECTION 1. Section 3, of sub-chapter 1, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 3. The annual election for city and ward officers shall be held on the first Tuesday of April in each year, at such place as the common council shall designate and provide, and the polls shall be kept open from 9 o'clock A. M., until five o'clock P. M., but an adjournment may be made from twelve o'clock M., to one o'clock P. M., by notice thereof, given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating time and place of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city of Sparta, or by posting copies of such notice in two or more public places in each ward of said city. If notice be given by newspaper publication, as aforesaid, the city clerk shall file a copy of the paper containing such notice in his office; if given by posting notices, as aforesaid, the city clerk shall attach to the original notice his certificate, stating the time of posting notices, and number posted in each ward, and the places of posting the same, and file such original notice, with such certificate attached in his office.

Section 11, of sub-chapter 2 amended.

SECTION 2. Section 11, of sub-chapter 2, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 11. At the first regular meeting of the common council in each year, or as soon thereafter as may be, it shall elect a suitable person for city clerk.

SECTION 3. Section 16, of sub-chapter 2, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 16. A supervisor to represent each ward of said city in the county board of supervisors of Monroe county shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected. If, for any reason any such supervisor shall be unable to attend any meeting of said county board of supervisors, the mayor shall appoint in writing one of the aldermen of the ward for which such supervisor was elected, to act for, and in the place of such supervisor at such meeting, any alderman so appointed shall represent his ward and have the same powers at such meeting as said supervisor would have if present. No supervisor, or any alderman acting in his place shall receive any compensation from the city for any of his services, unless such service be specially authorized by the common council, and provision for the payment of the same be made by it. Section 16, of sub-chapter 2, amended.

SECTION 4. Section 3, of sub-chapter 3, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 3. At the first meeting of the council, after its election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its member a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled "acting mayor," and any acts performed by them shall have the same force and validity as if performed by the mayor, but the president of the Section 3, of sub-chapter 3 amended.

council or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever, which the mayor theretofore has refused to sign.

Section 6, of sub-chapter 3 amended.

SECTION 5. Section 6, of sub-chapter 3, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 6. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve all writs and processes in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor, common council or ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment, or afterwards, allow him such further compensation than above described, as it may deem prudent.

Section 1, of sub-chapter 4 amended.

SECTION 6. Section 1, of sub-chapter 4, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 1. The mayor and aldermen shall constitute the common council; and the style of all ordinances shall be: "The mayor and common council of the city of Sparta do ordain." The common council shall hold its first annual meeting each year on the third Monday in April, and thereafter stated meetings upon the first Monday of each and every month during the year. A

majority of the aldermen elect shall constitute a quorum.

SECTION 7. Section 3, of sub-chapter 4, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 3. The common council shall have the management and control of the finances and of all the property of the city; and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality for the prevention of crime, and for the benefit of trade, commerce and health thereof, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws. Section 3, of sub-chapter 4 amended.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and may grant licenses for and regulate groceries, taverns, victualling houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the sum to be paid for any license for selling, spirituous, vinous or fermented liquors to be drank on the premises, and the sum to be paid for any license for selling spirituous, vinous or fermented liquors not to be drank on the premises, shall not be less than the minimum nor greater than the maximum sums to be paid for any such licenses as fixed by the general excise laws of the state of Wisconsin; and provided, further, that druggists doing business in said city as such may be granted licenses for the sale of spirituous, vinous Licenses.

or fermented liquors to compound medicines in filling medical prescriptions only for the sum of twenty-five dollars, such prescriptions to be drawn by practicing physicians in their regular practice. No license for the sale of spirituous, vinous or fermented liquors granted under the provisions of this act, shall be granted for a longer term or period than one year to run from the first day of May in each year; provided, however, that when any such license shall be applied for after that date the same may be granted to expire on the first day of May of each year on the applicant paying *pro rata* therefor.

Gaming and fraudulent devices.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming, in said city; and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors or drinks, unless duly licensed by the common council.

Riots and disturbances.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets; and to regulate the storage, safe-keeping and conveying of gunpowder or other combustible materials.

Encumbering streets.

6th. To prevent the encumbering of streets, sidewalks, lanes, alleys and bridges, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, shingles, bolts or other materials or substances, of whatever name or kind, upon the bridges in said city.

Horse-racing.

7th. To prevent horse-racing, and immoderate riding or driving in the streets and upon any and

all bridges, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry, and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Unwholesome substances.

10th. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins, of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

License omnibuses.

11th. To regulate, license and suppress omnibuses, hacks, cabs, drays, carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and return bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding and driving on sidewalks.

14th. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Shooting of fire-arms.

15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the common council dangerous to the city or any property therein or annoying to the citizens thereof.

16th. To restrain drunkards, immoderate drink-

Restrain drunkenness.

ing, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors.

17th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to make rules and ordinances for the government and regulation of the police of said city.

Public markets.

18th. To establish public markets and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butcher stalls.

19th. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.

Weighing and selling hay.

20th. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow, dirt and ashes.

21st. To compel the owners or occupants of buildings or grounds to remove snow, ice, dirt, ashes or rubbish from the sidewalk, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owners or occupants.

Infectious or contagious diseases.

22nd. To regulate, control and prevent the landing or passing through said city of persons from cars or stages who are infected with contagious or infectious diseases or disorders, and to make such disposition of such persons and their property as to preserve the health of said city.

Auctioneers.

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers or transient dealers, or the payment of a license, or both, as the common council shall determine.

City clerk and watchmen.

24th. To appoint the city clerk, watchmen and policemen and prescribe their duties.

SECTION 8. Section 9, of sub-chapter 6, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 9. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Monroe. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state. The common council of said city is also hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be named as an outlot, and shall be designated as such with a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take acknowledgments of deeds, by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Monroe county. Section 9, of sub-chapter 6 amended.

SECTION 9. Section 10, of sub-chapter 6, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 10. The said plat shall be called and known as "assessor's" subdivision of lands in the city of Sparta, and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same as "outlot," with its number, as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws Section 10 amended.

of this state, by reason of the non-payment of any tax hereafter assessed, shall be as valid and effective to pass the title to the lands therein described as it would be if (the) same premises had been described by metes and bounds, and the said plat or record thereof, shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated, named and numbered. In the making of said plat there shall be an accompanying descriptive list, which shall be recorded in the office of the register of deeds and also in the city clerk's office. Each outlot given a number on said plat shall be described in said descriptive list with sufficient certainty to enable a surveyor to locate the same. Each tract of land which has a separate ownership known to the mayor and clerk shall be given a number, and any tract of land may be divided into two or more outlots, if deemed advisable in the making of said plat. Amendments may be made to the plat at any time by the mayor and clerk, by filing with the register of deeds a plat of the amendments and an accompanying descriptive list, which said descriptive list amending the plat shall also be filed with the city clerk, and be recorded both by the register of deeds and the city clerk. The map and descriptive list thus amending the plat shall show in what manner any outlot or outlots is affected by the amendment. The major portion of any outlot which is altered by the amendment shall retain the original number given to the outlot, and a new number shall be given to the tract that may be detached. In describing any piece or parcel of land by the assessor, in making the assessment roll, or in any deed, it shall not be necessary to refer to any amendments of the plat, but all such assessments of deeds wherein any parcel or tract of land is described as being according to the "assessor's plat," or "assessor's subdivision of lands," shall be construed and held to mean the "assessor's subdivision of lands" with its amendments, as it stood at the date of making such roll, deed or other instrument.

Section 12 amended.

SECTION 10. Section 12, of sub-chapter 6, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 12. The common council may cause any

street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half of the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, or built, when necessary, without petition.

Section 1, of sub-chapter 8 amended.

SECTION 11. Section 1, of sub-chapter 8, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 1. The joint school district number one of the towns of Sparta and Angelo now embracing the village of Sparta and a part of the towns of Sparta and Angelo, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of the said school district shall hereafter be school district number one of the city of Sparta; provided that the common council of said city and the town boards of said towns may alter said school district by setting off from it, the territory in said towns onto other school districts in said towns in the same manner that the common council of cities, the trustees of villages and the town boards of towns may now alter school districts which lie partly in a city or village incorporated by special act, and partly in an adjoining town or towns, under the provisions of the revised statutes of 1878, and the amendments thereto.

Section 2, of sub-chapter 11 amended.

SECTION 12. Section 2, of sub-chapter 11, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 2. No debt shall be contracted against the city, or order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council, whenever the same shall be asked for by any one member, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act,

and the acts of which this is amendatory, and for the payment of indebtedness now existing. The common council shall have power to and shall levy annually at its first regular meeting in November in each year, to defray the current expenses of said city, a sum sufficient for that purpose; provided, that the amount to be raised in any one year for the general city purposes, other than state, county and school taxes, and interest on bonded indebtedness of said city, as authorized by law, shall not exceed three per centum of the taxable property in the said city, as shown by the last assessment.

Section 6, of sub-chapter 11 amended.

SECTION 13. Section 6, of sub-chapter 11, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 6. The mayor, clerk and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the last Monday in June, in each year, and shall proceed in all respects as town boards are by law required to proceed.

Section 13, of sub-chapter 11 amended.

SECTION 14. Section 13, of sub-chapter 11, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 13. On or before the tenth day of February of each year, unless the time be extended which may be in the same manner as is provided in section 1108, of chapter 49, of the revised statutes of 1879; provided, said extension shall not exceed forty-five days from said tenth day of February, the city treasurer shall make out and return to the treasurer of Monroe county, a list of all lands, lots and personal property upon which taxes have not been paid; and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof shall extend to, and may be enforced to collect any delinquent personal property tax.

Section 21 amended.

SECTION 15. Section 21, of sub-chapter 11, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 21. The common council may also, when occasion shall require, levy a special tax, not to exceed three mills on the dollar of the taxable

property of said city, for the purpose of building or repairing bridges; such tax to be levied in the same manner, and collected in the same way, and at the same time as the general city taxes that year, and whenever the common council shall decide it necessary to build a new bridge in said city and shall order the same built, it is hereby authorized and empowered to borrow a sum of money not exceeding five thousand dollars in any one year, in anticipation of the taxes to be levied for that year, for the purpose of building such bridge.

Section 5 amended.

SECTION 16. Section 5, of sub-chapter 12, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 5. When the action is commenced by summons the complaint may be substantially in the following form:

The city of Sparta against A. B. in justice court, before C. D., justice of the peace.

Form of summons.

The plaintiff complains against defendant for that the defendant, on the —— day of ——, 18—, at the said city, did violate section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city (describing it by its title and stating cause of action), which said —— is now in force. By reason of such violation, an action hath accrued to the city of Sparta, to recover of the defendant, the sum of —— dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Section 6 amended.

SECTION 17. Section 6, of sub-chapter 12, of chapter 175, of the laws of Wisconsin for the year 1883, is hereby amended so as to read as follows: Section 6. In all cases where oath is made for a warrant the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: City of Sparta against A. B., before C. D., police justice of the city of Sparta, county of Monroe—ss. E. F., being duly sworn, on oath, complains to C. D., police justice in and for the city of Sparta, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter ——— of this act, or section —— of an ordinance, or by-law, or regulation of said city, describing it by its title and stat-

ing offense), which said ——— ——— is now in force, and prays that A. B. may be arrested and held to answer to said city of Sparta therefor.

Sworn and subscribed to before me this ——— day of ———, 18—.

Said complaint shall be sworn to before the police justice, who shall issue the warrant thereon; upon the filing of such complaint with the police justice before whom the same shall be sworn to, he shall issue a warrant substantially in the following form:

County of Monroe, } ss.
City of Sparta. }

Form of warrant.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Sparta, greeting:

Whereas —— —— has this day complained to me, in writing, on oath, that A. B., on the ——— day of ———, 18—, at said city, did violate (section ——— of chapter ——— of this act, or section ——— of an ordinance, or by-law, or regulation of said city, describing it by its title, and stating offense), which said ——— ——— is now in full force; therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Sparta on the complaint aforesaid.

C. D., Police Justice.

SECTION 18. All acts and parts of acts contravening this act, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of this state, has become a law without his approval.

March 17, 1885.

ERNST G. TIMME,
Secretary of State.

[No. 292, S.] [Published March 23, 1885.]

CHAPTER 81.

A ACT to amend the charter of the city of Ripon, by authorizing and empowering the common council to establish sewers; and authorizing said city to establish and maintain a system of water-works therein, and to issue its bonds therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1, of chapter 5 amended.

SECTION 1. Section 1, of chapter 5, of chapter 72, of the private and local laws of 1858, entitled "an act to incorporate the city of Ripon," approved March 20, 1858, is hereby amended by adding at the end of said section 1, of chapter 5, of said act, as follows: "The common council shall also have power in like manner to erect, establish and maintain a sewerage system in said city."

System of water works authorized.

SECTION 2. The common council of the city of Ripon may build, erect, construct, complete and maintain in said city a system of water-works with or without steam engines to run the same, and may set the engines in Silver creek, and run pipes therefrom through the city under ground and above ground; or may build said water-works by sinking artesian wells, and fountains and making reservoirs, and may purchase patented rights for patent water works, or purchase water-works erected by any individual, corporation or association; and may provide by ordinance to rent the use of the water to residents, and for the collection of rents, impose fines and penalties, for the care and protection of the water and water-works, and do all other things the common council shall deem necessary to be done, in the premises, to supply the residents of said city with water, and to provide the necessary supply of water for the extinguishment of fires.

Empowered to issue bonds to pay for same.

SECTION. 3. For the purpose of paying for the building and erection of said water-works the said common council of the city of Ripon is hereby authorized and empowered to issue bonds to an amount sufficient to pay for the expense of erect-

ing and building said water-works; provided, that the amount of said bonds shall not exceed in the aggregate, together with all other corporate indebtedness outstanding at the time, the amount limited by the constitution of this state.

To be issued in denominations.

SECTION 4. Said bonds shall be issued in denominations of one hundred dollars, or some multiple thereof, not exceeding one thousand dollars, and numbered in regular order, and said bonds shall be payable absolutely in twenty years from the first day of May succeeding the date of their issue. They shall bear interest at the rate of not exceeding five per cent. per annum, payable semi-annually at the office of the city treasurer of said city, and the bonds shall be made payable to the purchaser by name or bearer at some bank in the city of New York, in the state of New York, and none of said bonds shall be sold for less than par value.

By whom signed.

SECTION 5. Said bonds shall be signed by the mayor of Ripon, and countersigned by the city clerk of said city, under the corporate seal thereof, and shall be, in the hands of any *bona fide* holder of the same, full and complete evidence to establish the indebtedness of said city, according to the tenor and effect of said bonds; and no bonds shall be issued, except by order of a majority of the common council of said city, entered upon the record of its proceedings.

To provide for the payment of said bonds.

SECTION 6. For the purpose of providing for the payment of the principal of and interest on said bonds, it shall be the duty of the common council of said city to levy a tax upon all the taxable property of said city of a sum sufficient to pay the interest and principal of said bonds, according to the tenor and effect of the bonds, to be collected in cash, in the same manner that other taxes are collected, and be kept as a special fund, to be known as the water-bond sinking fund; and in addition thereto it shall be the duty of the city treasurer of said city of Ripon to retain in his possession one-half of all the money received for licenses from any source whatever, and to set the same apart and credit it to the said water bond sinking fund, and such fund shall be carefully kept for the purpose for which it is enacted, and an itemized account shall be kept in a separate book provided for that purpose, to be called the water bond sinking fund book, in which book

there shall not be kept any other matter whatever, and such fund shall be used for the payment of the interest and principal of said bonds and for no other purpose whatever; and it is hereby made the duty of the common council of the city to levy tax sufficient to pay the bonds according to their tenor and effect, and it is hereby made the duty of the common council of the city to provide the sinking fund with a sum sufficient to pay the principal and interest of said bonds when due.

Word "bond" to include "coupon."

SECTION 7. The word "bond" shall mean and include the word "coupon" wherever used in this chapter.

Bonds to include a recital.

SECTION 8. The bonds issued under this chapter shall contain a recital that the same are issued in pursuance of the authority herein granted.

Surplus of funds to be applied for redemption purposes.

SECTION 9. When there is a surplus of funds to be applied for the redemption of said bonds, the city treasurer shall notify the party or persons holding such bonds, and will be redeemed by notifying the bank in the city of New York where the same are made payable, and also by sending a notice to the owner, if the post-office address of such owner is known to the city treasurer. The funds to redeem the bonds called for redemption shall be deposited in the bank where the same are payable, and interest on said bonds shall cease when said funds are received by said bank in New York.

May anticipate payment of interest.

SECTION 10. The city treasurer may anticipate the payment of interest on any or all of said bonds for one year, and after the interest to be paid in any one year is fully paid, or there is to the credit of said fund sufficient to pay the same, the surplus, as fast as it accumulates, shall be applied to the redemption of said bonds in the order in which the same may be called for redemption, and the interest shall cease on the same, as provided in the preceding section.

Payment of principal.

SECTION 11. The common council of said city may levy a tax sufficient to pay, not to exceed five thousand dollars of the principal of said bonds in any one year, and when collected, to be placed with and become a part of the water bond sinking fund.

Question to be submitted to voters of city.

SECTION 12. At the charter election to be held in said city of Ripon, on the first Tuesday in

April, A. D. 1885, the question of the said city of Ripon erecting said water-works shall be submitted to the voters of said city, and it is hereby made the duty of the common council of said city to provide and furnish to the inspectors of election, a ballot box for each polling place in said city, in which said boxes, the ballots cast at said election, on said question, shall be deposited by said inspectors, and kept separate from the other ballots cast at said election; said common council shall also furnish for the use of said voters a sufficient number of ballots to be used at said election, on one-half of which said ballots shall be printed the words, "for water-works," and on the other half, the words, "against water-works."

Canvass of votes.

SECTION 13. The inspectors of election shall canvass and return the result of said election on said question in like manner as other votes at said election.

A board of water-works commissioners to be created.

SECTION 14. At said election there shall be elected in the same manner as other municipal officers are elected, a board of water-works commissioners, to be composed of five members, each of whom shall be a resident of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, from the time of election and until their successors are elected and qualified, and annually after said election in April, 1885, there shall be elected one water-works commissioner who shall hold his office for the term of five years; provided, that in case the voters of said city shall decide against the establishment of water-works, the said water-works commissioners so elected shall be *functus officio*.

Salaries not to be paid to members of board.

SECTION 15. No member of said board shall receive any salary or other compensation for his services, and no person holding any other office in said city under the charter thereof shall be eligible as a member of said board, and the acceptance of any such office by any member of said board, or his removal from said city, shall operate as a resignation of his office as a member of said board. Any vacancy occurring in said board shall be filled by appointment of the mayor by and with the advice and consent of the common council; pro-

vided that said appointee shall only hold said office until the next annual election, when some one shall be elected to fill out the unexpired term of said vacancy.

Cannot be appointed to office.

SECTION 16. No member of said board shall be appointed to, or hold any office under said board, or receive any employment therefrom, or by its authority, for which he would be entitled to receive any salary or other compensation, or be directly or indirectly interested in any contract or agreement made by said board or by its authority, or by said city. And any member of said board who shall violate any of the provisions of this section may be removed by the common council of said city, which shall thereupon declare his office vacant, and shall proceed to fill such vacancy in the manner hereinbefore provided.

Board shall choose one of its own members president.

SECTION 17. The said board shall choose one of its own members as president, and may remove him at pleasure, and appoint another member of said board in his place; said board shall also have power to employ a secretary, who shall hold his office at its pleasure, and who shall keep a full and true record of all the proceedings of said board, and perform such other duties pertaining to his office as the said board shall direct; said board shall have power to regulate the times and mode of holding its own meetings. The president shall preside at all meetings at which he shall be present, and in his absence said board may appoint a president *pro tem.* A majority of said board shall constitute a quorum for the transaction of business, but no question shall be determined except by an affirmative vote of a majority of the members of the said board. The office and place of meeting of said board shall be in the city of Ripon, at such place as may be designated by the common council of said city.

Separate fund to be kept.

SECTION 18. All moneys and funds levied and collected for the purpose of constructing, maintaining or operating water-works in said city, and all income or revenue derived from any water-works owned or operated by said city, shall be kept by the treasurer of said city in a separate fund to be known as the water fund and paid out on orders signed by the president of said board, countersigned by the secretary of said board.

SECTION 19. It shall be the duty of said board

to examine, consider and determine the best mode, plan or system of supplying said city with a sufficient quantity of pure and wholesome water for the use of said city and the inhabitants thereof.

Proper specifications shall be made.

SECTION 20. When said board shall have so determined on the mode, plan or system of so supplying said city with water, it shall cause proper specifications and diagrams thereof to be made and submit the same to the common council of said city for approval. The common council may, thereupon, propose amendments, modifications or alterations therein, and refer the same to said board for approval; whenever a mode, plan or system of so supplying said city with water, shall be agreed upon between the said board and the said council it shall be adopted for said city; provided, that such mode, plan or system may be altered, modified or amended from time to time by the consent of said board and said common council.

Fire hydrants, etc.

SECTION 21. The said board shall have power to construct fire hydrants and hydrants for public use and fountains at such places in the said city as said board, with the approval of the said common council, shall determine, and to lay water pipes in and through all the alleys, streets and public grounds in the said city, and such other works as may be found necessary, from time to time, for the purposes herein provided.

May enter on any land or premises.

SECTION 22. Said board, its officers, agents and servants, shall have power to enter upon any land or water in said city, for the purpose of making examinations or surveys in the performance of their duties, without liability therefor.

May purchase real and personal property.

SECTION 23. The said board shall have power to purchase and acquire for said city, with the approval of the common council, all real and personal property which may be necessary for the construction of the works herein provided for. Whenever any real estate or any easement therein or use thereof shall, in the judgment of said board, be necessary for the construction of said works, and for any cause an agreement for the purchase or use thereof cannot be made with the owner, it shall report the same to the common council and thereupon the said council shall pro-

ceed in the manner provided for the condemnation of real estate for the use of said city.

All to be city property.

SECTION 24. All property, real, personal and mixed, acquired for the construction of said water-works, and all plans, specifications, diagrams, papers, books and records connected therewith and the said water-works, and all buildings, machinery and fixtures, appertaining thereto shall be the property of the city of Ripon. Said board shall have power, with the approval of the common council to employ one chief and such assistant engineers, a general superintendent, and such collectors and agents as may be necessary in the construction and management of said water-works, and fix the compensation therefor.

Water works shall be constructed if vote be favorable.

SECTION 25. In case a majority of the votes cast at said election as provided for in section 12, of this act shall be in favor of the establishment of water-works, it shall be the duty of the common council and said board of water-works' commissioners to immediately proceed to the erection and establishment of water-works in said city of Ripon in accordance with the provisions of this act. And in addition to the authority herein expressly given to said boards or either of them, they or either of them shall have and possess such other power and authority as may be necessary to carry out the objects of this act.

May vote on it at any charter election.

SECTION 26. In case said vote provided for in section 12, of this act shall be against the establishment of water-works it shall be the duty of the common council of the said city of Ripon at any charter election hereafter to be held in said city on the petition of one hundred resident freeholders of said city, to submit the question of water-works to the voters of said city in the same manner as herein provided for to be submitted at the election in April, 1885, at which said election said board of water commissioners shall be elected in the same manner as herein provided for, and with like effect. And in case said election shall be in favor of said water-works, the provisions of this act as prescribed in case the election in April, 1885, was in favor of said water-works, shall apply to said board of common council and the board of water-works' commissioners so elected at said subsequent election.

Repealing.

SECTION 27. All acts and parts of acts in con-

flict with the provisions of this act are hereby repealed.

SECTION 28. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 18, 1885.

[No. 99, A.] [Published March 21, 1885.]

CHAPTER 82.

AN ACT incorporating the city of New Richmond, St Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate name.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1885, shall be a city by the name of New Richmond; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of New Richmond, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. The northwest quarter of section two, township thirty north, range eighteen west, and northeast quarter of section three, township thirty north, range eighteen west, and the south half of section thirty-six, township thirty-one north, range eighteen west, in St. Croix county, state of Wisconsin, shall be included in, and constitute the limits and boundaries of the city of New Richmond.

SECTION 3. The city of New Richmond shall be divided into three wards: All that part of said city lying west of the center of Main street and south of the Willow river, shall constitute and be known as the first ward; all that part of said city lying east of the center of Main street and south of the Willow river shall constitute and be known as the second ward; all that part of said city lying north of the Willow river shall constitute and be known as the third ward. Ward boundaries.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. Corporate authority.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk, two justices of the peace, one constable, one marshal and one street commissioner for the city at large, and three aldermen, and one supervisor for each ward who shall represent their wards in the county board of St. Croix county. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. Elective officers.

SECTION 6. All elective officers, except justices of the peace, shall hold their office for one year, and justices of the peace for two years or until their successors are elected and qualified. Term of office.

SECTION 7. All officers of said city shall be residents and electors thereof; and all ward officers shall be residents and electors of the ward wherein they are elected or appointed. No person having been city treasurer for two years in succession shall be eligible to re-election until one year shall have elapsed. Resident electors.

SECTION 8. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days' previous notice shall be given by the common council in a paper published in said city, Annual election—when held.

of the time and place of holding such elections, and of the city and ward officers to be elected.

Qualified electors.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and shall have resided ten days next prior to any election in the ward where they shall offer to vote, shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

Elections to be by ballot.

SECTION 10. All elections shall be by ballot, and a plurality of votes shall constitute an election. The vote for all elective officers, shall be on one ballot and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots, in the presence of the common council, at such time and in such manner as they shall direct.

Board of inspectors.

SECTION 11. The aldermen in each ward shall constitute the board of inspectors of elections, and they shall take the usual oaths or affirmations as prescribed by the general election laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths; said elections shall be held and conducted in the same manner and under the same laws and penalties, and vacancies in the board of inspectors thereof be filled as required by the laws of this state regulating general elections.

Canvass of votes.

SECTION 12. When an election shall be closed, and the number of votes for candidates, or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office; and shall deliver or cause to be delivered such return to the city clerk within three days after any election. The common council shall on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same; and the city clerk shall forthwith give notice of his election to each person so elected.

Power of expulsion.

SECTION 13. The common council shall have power for due cause to expel any of their number. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall

take up his case and dispose of it. He shall also have power to fill any vacancy thus created, for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two-thirds vote.

Vacation of office.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Vacancies—how filled.

SECTION 15. Whenever a vacancy shall occur in the office of mayor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Special election to fill vacancies.

SECTION 16. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

OFFICERS AND THEIR POWERS.

Officers and their duties.

SECTION 17. Every person elected or appointed to any office under this act, except justices of the peace, shall before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same, duly certified by the officer taking the same, with the city clerk, and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of New Richmond a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or exemptions, and

said bond shall contain such penal sum and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with not less than two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in such bond. The council may from time to time require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as justices of the peace in towns, except that their bonds shall be approved by the common council.

Duties of mayor.

SECTION 18. The mayor shall, when present, preside over the meetings of the common council, and except in the election of officers, shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties; he shall, at the first regular meeting of the common council in each year, make out and announce such standing committees for the year, and on such subjects as may be required by ordinance or resolution of the common council; and shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. He may appoint special policemen when, in his judgment, the safety and good order of the city require it, but their appointment shall not continue beyond the next meeting of the common council thereafter, unless approved by said council; the compensation of such special policemen shall be fixed by the common council.

President of council.

SECTION 19. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, for any reason, to

discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of the city bonds. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who for the time being shall have the same authority and power as the president. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by either of them shall have the same force and validity as if performed by the mayor; but the president of the council, or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever, which the mayor theretofore has refused to sign.

Duties of city clerk.

SECTION 20. The city clerk shall perform all the duties required by law to be performed by him; he shall be keeper of the books, records and papers and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect; he shall draw and countersign all orders on the city treasurer and keep a record of the same; he shall also keep in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax rolls delivered to him for collection, and all sums of money paid into the treasury; he shall file in his office all the chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks; he shall act as clerk of the board of equalization, and shall perform such other duties not here enumerated as may be required of him in his said capacity by the common council, or by the general laws of the state of Wisconsin, in relation to the assessment and collection of taxes in said city; he shall also have power and authority to administer oaths and affirmations, and may appoint a deputy

in writing under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place, and he shall receive such compensation as the common council shall provide or allow.

Duties of treasurer.

SECTION 21. The treasurer shall perform such duties and exercise such powers as may be lawfully required of or conferred upon him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, shall pay out the same only upon written orders, signed by the mayor and countersigned by the clerk, and shall keep an accurate and detailed account of all receipts and disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct; he shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed statement of all receipts and expenditures since the date of the last annual report and of the state of the treasury, which statement shall be filed with the clerk. He shall be collector of taxes in said city, and in addition to the powers and duties herein specified, shall have the same powers and duties and be subject to the same liabilities as treasurers of towns.

Duties of marshal.

SECTION 22. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and abate all nuisances, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city, or law of this state, and forthwith bring such person before competent authority for examination, and for such service he shall receive such fees as are allowed by law to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor or common council, or by the ordinances of said city. He shall have power to appoint one or more

deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The common council may allow him such further compensation as it may deem prudent.

Power of council.

SECTION 23. The common council may, at its first meeting, elect a city attorney to conduct the law business of the corporation, but the council may omit such election, and when necessary provide or employ such an attorney or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees, and advise and instruct all other officers in their duties when directed by the common council. He shall keep a docket of all cases to which the city may be a party in any court, in which shall be briefly entered all steps taken in each case, which docket shall be the property of the city, and shall at all times be open to inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be fixed by the common council for services rendered.

Further power of council.

SECTION 24. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected;

neither shall extra compensation be granted except by unanimous vote of the council, approved by the mayor. For the year 1885, such compensation shall be fixed by the common council within ten days after it shall organize, and the notice of the first election held under this charter may be given by the acting village clerk, and the inspectors thereof may be appointed by the persons acting as the board of trustees of the present village of New Richmond.

Penalty for failure to deliver to successor.

SECTION 25. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state therefor.

Shall not be interested in any job or contract.

SECTION 26. No mayor or alderman shall be a party to or interested in any job or contract with the city; and any contract in which they, or either of them may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the mayor or alderman interested in the same, or either or any one of them.

Officers of the peace.

SECTION 27. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constable, and watchman, shall be an officer of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers and other citizens; and if any person, by-stander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of five dollars, and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

SECTION 28. The justices of the peace herein provided for shall have exclusive jurisdiction of all actions and violations of any provisions of this act, and the ordinances, resolutions and by-laws passed thereunder, and the same jurisdiction and power in all other matters, both criminal and civil in the county as justices of the peace in towns, and shall be governed by, and their fees regulated by the statutes. The constable and marshal shall possess all the powers and perform all the duties and receive the same fees as constables of towns, and shall perform such other duties as the common council shall direct. The justices of the peace elected under this act shall have the same jurisdiction, and perform all the duties of justices of the peace in towns; and in addition thereto shall have jurisdiction of all cases arising under the provisions of this act, and the ordinances, resolutions and by-laws enacted by the common council, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council. Their fees shall be governed by the general laws concerning fees of justices of the peace, but they shall not receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them. The justices shall account for, and pay over to the treasurer of said city, all fines and penalties collected by him and belonging to said city, within ten days after receiving the same, and take his receipt for the same and file it with the city clerk. Jurisdiction of officers of the peace.

The City of New Richmond } In Justice Court
against } Saint Croix County. Receipt, form

Being by me first duly sworn complains on oath to the undersigned justice of the peace of said city, and alleges that———is indebted to said city in the sum of —— dollars, for that the said —— did, on the —— day of ——— in the year 18—, at said city violate section —— (of this act or section —— of an ordinance, by-law, rule or regulation) of said city (describing it) as complainant is informed and verily believes, in that he, the said ——— did, at said time and place (here allege specifically the offence) contrary to the provisions of said section of said ordinance, etc. Wherefore complainant prays that said ——— may be arrested and held to

answer to the said city of New Richmond therefor.

Subscribed and sworn to before me this —— day of ——18—. ———, Justice of the Peace.

Warrant. The warrant may be as follows:

County of St. Croix, } ss. In Justice Court.
City of New Richmond, }

The State of Wisconsin, to the sheriff or any constable of said county or to the marshal or any policeman of the city of New Richmond:

Whereas —— has this day complained to me in writing, on oath, that ——— did, on the —— day of —— in the year 18—, at said city, violate section —— (of this act, or section —— of an ordinance, by-law, rule or regulation of said city, describing it by its title):

Therefore, you are hereby commanded to arrest the body of said ——— forthwith, and him bring before the justices' court of said city, to answer to the city of New Richmond on the complaint aforesaid.

Given under my hand this ——— day of ——, 18—.

——, Justice of the Peace.

Actions to be brought in corporate name of city. SECTION 29. All actions brought to recover any penalty or forfeiture under this act or under the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and the summons or warrant, pleadings and proceedings therein, shall be the same as in civil actions. In such actions it shall be sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the penalty or forfeiture claimed according to the provisions of this act, or the by-law, ordinance, rule or regulation which imposes it, specifying the section, and when such section imposes a forfeiture for several offenses or delinquencies, it shall specify the particular offense or delinquency for which the action was brought, with a demand for judgment for the amount of said penalty or forfeiture. In case the defendant is a non-resident of the state, an attachment may be issued in such action in like manner as may be done in ordinary civil actions against non-residents; any such action may be brought for, and the judgment therein may

include as many forfeitures as the defendant may have incurred under the same section prior to the commencement of such action. In all cases when an action may be brought by the city of New Richmond against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any resident of said city; provided, that before any person other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds, with sufficient surety to the opposite party to be approved by the court before whom such action shall be brought, conditioned that he, or they will pay all costs that might be recovered against the city in such action. After filing such bonds with the papers in the case, such action shall not be discontinued or defeated by the city; nor shall the city be liable for any costs on account of such action, but such costs, where the action shall fail, may be recovered against the party commencing the same upon the bond filed as aforesaid; provided, nothing herein contained shall be so construed as to prevent any peace officer from arresting without process, any person in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith, before a justice of the peace of said city, or keeping them in confinement until such time as the court can reasonably hear and dispose of a complaint against such offender.

Resignations.

SECTION 30. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

Sureties.

SECTION 31. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give a bond as aforesaid, enter upon the discharge of the duties of his office until his bond shall have been filed and approved as by this act required.

Official newspaper.

SECTION 32. The council at the first meeting in each year, or as soon thereafter as may be, may

designate one or more newspapers, printed in said city, in which shall be published all ordinances, notices and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders provided, that such compensation shall in no case exceed the compensation for like publication or printing allowed by the laws of this state. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file and keep the same in his office.

Powers of constables.

SECTION 33. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities, as constables of towns.

Duties of assessor.

SECTION 34. The assessor shall assess all the property subject to taxation within the city, and in the performance of his duties shall possess the same powers, and be governed by the same laws and regulations as town assessors, and shall complete and return his assessment roll to the city clerk at the same time and in the same manner as town assessors are required to make returns to town clerks, and all the laws of the state of Wisconsin pertaining to assessment and collection of taxes, shall apply and become a part of this charter as fully as though set forth herein at length. And if in any action heretofore or hereafter commenced against either of the towns of Richmond or Star Prairie to recover any sum or sums of money heretofore paid to either of said towns for taxes levied therein upon any property which at the time of assessment and levying of such taxes was situated in the territory taken from such town by this act and incorporated as a part of said city, or in any action heretofore or hereafter brought against either of said towns or any of the officers of either of said towns, upon any liability

incurred by either of said towns, or any of the officers of either of said towns, in enforcing the collection of any such taxes, it shall be determined that any such taxes were illegal and void, or any of the acts of the taxing or tax collecting officers of either of said towns were so irregular as to entitle the plaintiff in any such action to recover judgment, and final judgment shall be entered in any such action against such town or officers, then and in such event said city shall pay to such town the amount of village taxes included in any such taxes so paid or collected, and such an amount of the town, school district and highway taxes which were included in the taxes so paid or collected as bears the same ratio to the whole of the town, school district or highway taxes so paid or collected, that the assessed value at the time of the levying of such taxes of the property in the territory detached from such town and included in said city bore to the assessed value at the same time of all the property in such town, school district or road district, respectively, as such town, school district or road district existed at the time of levying any such taxes; provided, that until the rendition of judgment, of final judgment in such action, the territory which has been by this act detached from the town which is made defendant therein, shall for all purposes of such action, or of the re-assessment of any such taxes, be taken and deemed to be a part of such defendant town, and all the provisions of the laws of the state of Wisconsin in relation to the re-assessment of taxes, shall apply to such actions, and it shall be the duty of such defendant town to take advantage of and enforce, so far as possible, all such laws in relation to re-assessment, and the taxes collected by such re-assessment belonging to said city shall be paid to the city treasurer of said city by the towns; and provided further, that no such action shall be compromised or settled by such town or officer, nor shall any stipulation for judgment be made, or judgment by default be suffered by any such town or officer, in any such action, until after a notice in writing of the pendency of such action and the intention of such town or officer to so compromise, settle, stipulate judgment or suffer default, and the proposed terms of any such compromise, stipulation or settlement shall have

been made out and served by the town clerk of such town, or by such officer, or by the defendant's attorney in such action, upon the city attorney or upon the mayor of said city, which notice shall be so served at least ten days before the time for answering in such action shall have expired, or before such compromise, settlement or stipulation for judgment shall be made, and, if after such notice the common council of said city shall determine that they will not accept or sanction such compromise, settlement or stipulation, then the defendant in such action shall defend the same until final judgment shall be rendered against such defendant, if such defendant shall be advised of any conscionable defense existing in such action, and unless such defense is made, no liability shall exist on the part of said city, to any such town under the provisions of this section.

THE COMMON COUNCIL — ITS POWERS AND DUTIES.

Common council—how constituted.

SECTION 35. The mayor and the aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of New Richmond do ordain." The common council shall hold its first annual meeting in each year on the second Tuesday in April, and thereafter, stated meetings at such times as it may determine. A majority of the aldermen shall constitute a quorum.

Special meetings.

SECTION 36. The common council shall hold special meetings by order of the mayor, or on written request of two aldermen filed with the clerk, and notice to each of the members served personally, or left at his usual place of business or abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, and by a vote of two-thirds of its members to impose a fine upon any member for disorderly or contemptuous conduct, or to expel any member for cause. Their sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the city clerk, and the

same may be examined at any time in the presence of the clerk. The common council shall have the management and control of the finances, and of all the property of the city, and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health, as it shall deem expedient, and to prescribe penalties for the violation thereof, and sue for and collect the same with costs of suit; and in case of default of payment, to provide for committing the person convicted to the city watch-house, or the county jail of St. Croix county, for a term not exceeding ninety days. Every person so committed to the county jail shall be received and committed to prison by the keeper of the county jail, and kept at the expense of the county until the expiration of the time, but he shall be released by order of the court committing him, on payment of the fine and costs, or by due course of law, or by other lawful means; to enforce such ordinances, rules or by-laws, against all persons violating any of the provisions thereof; and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-law:

Licenses.

1st. To license, regulate, suppress and prohibit the exhibitions of common showmen or shows of any kind, or of caravans, circuses or theatrical performances; to prevent or license and regulate the keeping of billiard tables, pigeon-hole tables and bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for and regulate groceries, taverns, victualing houses, and all places for vending or dealing in spirituous vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not

be less than two hundred dollars per annum; and provided, that a license may be granted to any licensed druggist actually doing business in said city, to sell malt, spirituous or vinous liquors for medical and mechanical purposes, for the sum of not less than five dollars nor more than twenty-five dollars, and each person so licensed shall keep a book, in which they shall enter the date, name and residence of the person sold to, and the quantity purchased; which book shall be open at all times to the inspection of any officer of said city. The common council may at any time revoke such license for the violation of the provisions thereof, or of the statutes of this state.

Gaming and fraudulent devices.

2d. To prohibit all descriptions of gaming, gambling and fraudulent devices and practices, and playing of cards, dice, or other games of chance for the purpose of gaming, in said city, and to authorize the confiscation and destruction of all instruments and devices used for the purpose of gambling.

Riots, etc.

3rd. To prevent and suppress all fights, riots, noise, disturbance, disorderly assemblages, disorderly conduct, disorderly houses and houses of ill-fame.

Nuisances.

4th. To declare what are nuisances, and to prevent or abate the same.

Nauseous places.

5th To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and gunpowder.

6th To direct the location and management of slaughter houses and markets or to prevent the unauthorized erection or use thereof, within the city; and to regulate the storage, safe keeping and conveying of gunpowder or other combustible materials.

Incumbering of streets.

7th. To prevent the incumbering of streets, sidewalks, crosswalks, public grounds, lanes, alleys or bridges with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs or other mater-

ials or substances of whatever name or kind upon the bridges in said city.

8th. To renumber the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds. Renumber lots, etc.

9th. To prevent horse-racing and immoderate riding or driving in the streets and upon any and all bridges, and to regulate bathing and swimming in the waters within the limits of said city. Horse racing.

10th. To restrain, regulate or prohibit the running at large of neat cattle, horses, mules, swine, sheep, goats, poultry or geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto; to establish pounds and regulate and protect the same. Restrain cattle.

11th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Dogs.

12th. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass, meat, fish or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person bringing, depositing or having the same upon his premises, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses.

13th. To regulate, license or suppress omnibuses, hacks, cabs, drays, carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city. Regulate hackmen, etc.

14th. To establish and regulate boards of health, provide hospitals, dispensaries, pest houses and cemetery grounds; to enclose, lay out and ornament such grounds, and sell and convey lots therein; to regulate the burial of the dead, and return the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

15th. To prevent all persons from riding or driving any horse, ox, mule, cattle, or other animal, bicycle or velocipede on the sidewalks in Riding or driving on sidewalks.

said city, or in any way doing any unnecessary damage to such sidewalks.

Shooting of fire-arms.

16th. To prevent bonfires and the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Drunkenness.

17th. To restrain and punish drunkenness, immoderate drinking, or any obscene or indecent exhibition or conduct in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same, and to restrain and punish vagrancy, mendicancy and prostitution.

Runners and solicitors.

18th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to make rules and ordinances for the government and regulation of the police of said city.

Public parks.

19th. To establish public parks and walks, inclose, improve and ornament the same, and prevent the incumbering or obstruction thereof.

Protect public buildings.

20th. To control and protect the public buildings, property and records, and insure the same.

Planting of trees.

21st. To provide for and regulate the planting and trimming of trees within the streets and public grounds of the city, and prohibit the planting of such trees as are or may become nuisances, and provide for the removal of such as are already planted.

Meat and fish.

22nd. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions, establish and regulate markets, and restrain sales in the streets.

Hay.

23rd. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow or dirt

24th. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruc-

tion thereof by some officer of the city, at the expense of such owners or occupants.

Contagious diseases.

25th. To regulate, control and prevent the landing or passing through said city of persons from boats, vessels, cars, stages or other conveyance, who are infected with contagious or infectious diseases, and to make such disposition of such persons and their property as will preserve the health of said city.

Peddlers, etc.

26th. To license auctioneers, peddlers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers or transient dealers, or the payment of a license, or both, as the common council shall determine.

Watchmen and policemen.

27th. To appoint watchmen and policemen, and prescribe their duties.

Watch-house.

28th. To purchase, build or lease, maintain and regulate a watch-house, or a place for the temporary confinement of suspected persons, and offenders against the statute or city ordinances.

Pounds.

29th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and to prevent unnecessary waste of water.

Lighting the streets.

30th. To erect lamps and to regulate the lighting thereof, and to provide for lighting streets, public grounds and public buildings with gas or otherwise.

Concealed weapons.

31st. To prohibit the carrying or wearing by any person under his clothes, or concealed about his person, any dangerous or deadly weapon, and to provide for the confiscation or sale thereof.

Abuse of animals.

32d. To prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Stagnant water.

33d. To provide for the removal of stagnant water, and the draining and removal of obstructions from any water-course within the city limits, and to prevent the obstruction or defilement thereof.

34th. To prohibit the hitching of horses, teams

Hitching of horses to fences, etc.

or animals to any fence, tree, pump or monument, and to prevent injuries thereto.

Bread.

35th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Demands against the city.

36th. To compound, compromise, settle and adjust any and all claims and demands against said city, made by any person or persons, firm or corporation, or municipality, either before or after an action brought upon any such claim or demand, or before or after judgment in any such action.

Ordinances to be signed by mayor.

SECTION 37. All laws and ordinances shall be passed by a majority vote of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor, and shall be published once a week, for two successive weeks, in the official newspaper of the city, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before the said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

When ordinances shall take effect.

SECTION 38. All ordinances shall take effect from and after their approval and publication.

Power of veto.

SECTION 39. The mayor shall have power to veto any ordinance, by law, act or resolution, passed by the common council by notifying them of his objections thereto, in writing, on or before the next succeeding stated meeting of the council, and in case the council shall not, at their next stated meeting, subsequent to the receipt of such objection, re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, by-law, act or resolution presented to him on or before the next stated meeting of the council after the passage thereof, it shall take effect in the same manner as if he signed it.

Rescinding votes.

SECTION 40. No vote of the common council shall be reconsidered or rescinded at a subsequent

meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when such vote was taken.

Shall not bar or hinder suits.

SECTION 41. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, or places where intoxicating liquors are sold without the license required by law, are hereby declared and shall be deemed public or common nuisances.

Adjustment of accounts.

SECTION 42. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers and agents of the city, at such times as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall wilfully neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties; and it shall cause to be made a full record of all its proceedings relating to the matters mentioned in this section.

No compensation to be paid officers.

SECTION 43. No compensation or salary shall be paid to the mayor or any alderman of said city.

Contracts.

SECTION 44. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, etc.

SECTION 45. The common council shall have power to lay out and open public squares, grounds,

streets, and alleys, and to change, enlarge, extend or vacate the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause an accurate survey thereof to be made and a plat thereof to be filed with the clerk, and cause notice of such application to be given to the owner or owners of such lands, in case such owner or owners shall reside in the county of St. Croix, and to the occupant or occupants of such lands, if any there be, which notice may be served personally, or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of New Richmond, for four successive weeks, at least once in each week.

What the notice shall state.

SECTION 46. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to a justice of the peace of said city, who has no title to any of the lands described in such petition, for the appointment of six jurors to view said premises and to determine whether it will be necessary to take or use the same for the purpose specified in said petition, and if so to assess damages.

SECTION 47. Upon presentation of such appli-

cation, and upon proof of the publication or service of the notice hereinbefore required, the said justice of the peace shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said justice of the peace shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purposes specified in such application.. Jurors to be appointed.

SECTION 48. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award as to damages, the justice of the peace shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept. In case jurors are disqualified from acting.

SECTION 49. The said jurors, having first taken the oath hereinafter provided for, shall at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. Jurors to view the premises.

SECTION 50. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take or use the premises in question for the proposed public use; which said report, testimony and precept shall be returned to the common council within the time limited therein. Jurors to make report after viewing premises.

SECTION 51. Should the jurors report that it is necessary to take such premises, the common council, if it approves such report, may agree with the several owners as to damages, but if unable to do so, it shall enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again Common council and owner may agree on damages.

view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken or used, and to assess and return within the time limited such damages to the common council.

In case there is a building.

SECTION 52. If there should be any building in whole or in part upon the lands to be taken, which for the proper use of the lands so taken or used it shall be necessary to remove, the jurors, before proceeding to make assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to remove.

Ten days' notice of determination to be given.

SECTION 53. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in said city for three successive weeks, which notice shall specify the building and the award of the jurors, and shall require the parties interested to appear by a day to be therein named, or give notice to the common council of their election to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

In case the owner refuses to take the premises.

SECTION 54. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid over to the owner on his application therefor.

The jurors to view and examine the premises.

SECTION 55. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered (which shall be reduced to writing by one of the said jurors), they

shall proceed to make their assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of any building or buildings required to be removed, if the property of the owners of such lands as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages to be assessed to every person.

SECTION 56. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid to each, and the amount shall be placed opposite their respective names.

If the lands or buildings belong to different persons.

SECTION 57. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate therein less than an estate in fee, the injury done to such person or interests respectively, shall be awarded by the jurors to the person entitled thereto, less the benefits resulting to such interests respectively from the proposed improvements.

Award of jurors to be signed by them.

SECTION 58. The award of the jurors shall be signed by them and returned, together with the testimony taken to the common council, within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Lands not to be appropriated until damages are paid.

SECTION 59. The lands required to be taken or used for the purposes mentioned in this chapter, shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or in case said owner or agent cannot be found or is unknown, deposited to his or their credit in some safe place of deposit to be determined by the common coun-

cil; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the city shall thereafter have the same rights in and power over them as it has in and over streets, alleys and public grounds previously opened or laid out, except that where the lands are to be used for the purposes of sewers and drains, the city shall have the power to go upon, occupy and control said premises only at such times and so far as may be necessary for the purpose of constructing, examining and repairing such sewers and drains.

In case the premises are under lease.

SECTION 60. When the whole of any lot or tract of land or other premises under lease, or other contract or incumbrance shall be taken or used by virtue of this act, and compensation shall have been made or provided for parties interested, all covenants, contracts, engagements or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appeal, as hereinafter provided, respectively cease and be absolutely discharged.

When only part are under lease.

SECTION 61. When only part of the lot or tract of land or other premises so under lease, or other contract or incumbrance shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken, or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

Damages assessed to be tendered.

SECTION 62. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessments and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid, shall be void.

In case of infant in law.

SECTION 63. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under disability, the judge of the circuit court of St. Croix county, or the county judge, may, upon the application of the common council, or of such party by his next

friend appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors to take oath.

SECTION 64. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them.

How effect may be taken.

SECTION 65. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of St. Croix county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall file such notice of appeal, he shall, before the trial thereof give a bond in such sum, and with such sureties as shall be approved by said court conditional to pay all costs of said appeal if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case amount of damages are increased or diminished.

SECTION 66. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

Profile of streets to be made.

SECTION 67. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacating alleys or streets.

SECTION 68. No street or alley or part thereof shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley, in the block in or along which such street or alley runs, but the boundaries of streets

may be changed upon petition to the council by the parties interested.

Shall only apply to unplatted lands.

SECTION 69. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands, in the same manner as roads are laid out by supervisors in towns.

Only directory.

SECTION 70. All the foregoing directions given in this chapter shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

POLL TAX.

Poll tax.

SECTION 71. The common council of said city shall have and it is hereby granted power to tax annually each male inhabitant within the corporate limits of said city between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and to be appropriated to the improvements of streets, roads, alleys and cross-walks in said city.

Poll list to be made out.

SECTION 72. On or before the twentieth day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one, and under the age of fifty years, liable to pay such poll tax, with the amount thereof, set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year, the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list and if any person neglects to pay the same for two days thereafter, then such treasurer may, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort, and the first process in such action shall be a civil warrant; provided,

the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer and shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office. And the treasurer or street commissioner while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom who shall then be liable the same as if their names were originally placed in such list.

Duties of street commissioner.

SECTION 73. The street commissioner shall perform such duties in the improvement and repair of streets, walks, gutters, sewers and other public works, as the common council shall direct; he shall collect the poll tax, when placed in his hands, as above provided. The money so collected shall be kept as a distinct fund, and shall be expended by the street commissioner, under the direction of the aldermen of the ward in which such moneys were collected, in the improvement of the streets of such ward.

To give a bond.

SECTION 74. Every street commissioner shall, before entering on the duties of his office, give a bond to the city of New Richmond with one or more sufficient sureties, to be approved by the council, in such manner and in such amount as the common council may direct.

To render an account.

SECTION 75. The street commissioner shall, on or before the first Monday in November, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and the amount that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require.

Compensation for his services.

SECTION 76. The street commissioner shall receive such compensation for his services, which may be by a per diem, not exceeding two dollars per day for time actually expended, or a percentage upon the tax collected and expended, as the common council shall determine.

Return of unpaid taxes.

SECTION 77. The street commissioner shall return all unpaid taxes in the manner and form

prescribed for such return by the overseer of highways in towns.

STREET IMPROVEMENTS.

Street improvements.

SECTION 78. The common council of said city shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers within said city, and to direct and control the persons employed therein, and all such improvements shall be superintended by the street commissioner.

Construction and repair of sidewalks.

SECTION 79. Whenever the common council shall deem it necessary to construct or repair any sidewalk within the said city, they shall require the street commissioner to notify the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge by publication in the official paper for ten days. If such work is not done in the manner and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof shall be assessed upon such lots so chargeable by the street commissioner, and returned to the common council, and shall be entered in the next tax roll of said city in the column headed "special tax," and collected in the same manner as other city taxes are, and shall bear a like rate of interest; provided, that before the said common council shall order the construction of such sidewalks, a petition signed by at least one half of the owners of the land abutting on the line of such proposed sidewalk, shall be filed with the city clerk, requesting the same.

To be provided with books.

SECTION 80. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount paid in money or labor, and a correct statement of all expenditures by him made as street commissioner. The book containing the account so kept, shall, at all times, when required, be furnished for the inspection of the mayor, or

common council, and ten days before the expiration of his term of office shall be handed to the city clerk, to be filed in his office for the inspection of the tax payers of his district.

Certified list to be made out.

SECTION 81. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk, a certified list of the lots, pieces or parcels of land, in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land; and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Work to be done at expense of city.

SECTION 82. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be re-imbursed by such tax when collected.

Repair of sidewalks.

SECTION 83. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of the repairs will not exceed the sum of ten dollars, the street commissioner may give written notice to the parties subject to the tax for the repairs thereof, if known and residing in said city, that unless such sidewalk or gutter, therein to be specified, be repaired to the satisfaction of the street commissioner, within twenty-four hours thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, or whenever the owner shall be non-resident or unknown, such commissioner shall make such repairs and return the cost as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

Majority of council to direct street commissioner.

SECTION 84. A majority of the common council, or the street committee thereof, if there be one, shall direct the street commissioner in writing when to work on the streets, specifying the places on the street where the work shall be done, and indicating in a general manner the amount of labor they desire expended on such street; and it shall be

the duty of the street commissioner to follow such directions. The street commissioner shall attach the written directions to him, from the common council or the street committee to his report of expenditures of money upon the streets from time to time as he completes work thereon, and without such written orders from the common council, or the street committee thereof, the street commissioner shall not do any work on the streets, except to repair streets and sidewalks when necessary to keep them in a safe and passable condition. The common council shall not expend to exceed the sum of six hundred dollars over and above the amount of poll tax in any one year in repairing of streets, except it be by a unanimous vote of the common council, and approval of the mayor.

FIRE DEPARTMENT.

Fire department.

SECTION 85. The common council, for the purpose of guarding against the calamities of fire shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof may be erected, repaired or removed, and to direct, that all and any buildings within the limits prescribed, shall be made and constructed of such fire-proof material, and in such a manner as it may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages.

Regulating construction of buildings.

SECTION 86. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to

regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the preservation and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

Power to purchase engines.

SECTION 87. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to prescribe the membership and number thereof, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and to prohibit their meetings as such when disbanded. Each company shall be officered and governed by its own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

SCHOOL DISTRICT.

School district.

SECTION 88. The school district now embracing the present village of New Richmand, a part of the towns of Richmond, Stanton and Star Prairie, shall remain intact, and the same territory shall remain therein, and the management of school matters shall remain the same as it has heretofore existed in the said village of New Richmond.

AUDITING ACCOUNTS.

Auditing accounts.

SECTION 89. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items, and verified by affidavit indorsed or annexed, to the effect that the same is just and correct, and no part thereof paid (or if paid in part, except as therein stated), and that said account has not been presented before. When an account shall have been audited, the clerk shall indorse on each account the word "allowed," or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

Issuing negotiable orders.

SECTION 90. Neither the common council nor any officer of the city shall have power to issue any time or negotiable order, or borrow any money, except in the manner and for a purpose expressly declared by statute or by this act; but the common council may, in case of temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one-half of one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of any such order the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

Personal or real property exempt for city debts.

SECTION 91. No real or personal property of the city or any of its inhabitants, or of any individual or corporation therein, shall be levied on

or sold by virtue of any execution issued to satisfy any judgment against said city.

Not liable for damages.

SECTION 92. Neither the city nor any officer thereof, shall be liable for any damage that may happen by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city, unless the street commissioner, mayor, or one of the aldermen shall have first had actual notice of such defect or insufficiency, and reasonable time thereafter to repair the same, or place the same in good order, or unless the same shall have existed for so long a time that notice may be presumed.

When action will lie.

SECTION 93. No action shall lie or be maintained against the city, unless a statement in writing, signed by the person injured, or claiming to be injured, by any act or neglect of the city or any of its officers, of the injury, and time, place and circumstances thereof, and the amount of damages claimed, shall be presented to the common council or filed with the city clerk within ninety days after the occurring or happening of the injury alleged; nor unless such action be commenced within one year after the happening of such injury.

Further regarding actions.

SECTION 94. No action for injury to the person shall lie or be maintained against said city, unless the person claiming injury shall permit the mayor or common council, by a physician of his or its appointment, to make personal examination of the alleged injury, as often as requested after the time of its infliction, until the amount of damages is adjusted.

Accounts to be verified.

SECTION 95. No account or demand of any person shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

In case claim be disallowed.

SECTION 96. When the claim of any person against the said city shall be disallowed, in whole or in part, by the common council, the determination of the common council disallowing the same, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within ninety

days after such disallowance by the common council of said city; provided, that the provisions of this section shall not apply to section 95, of this act.

Claim against city to be made before action against city.

SECTION 97. No action shall be maintained by any person against the city of New Richmond, upon any claim or demand, until such person shall first have presented his claim or demand to the common council for allowance.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 98. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Regarding the contracting of debts.

SECTION 99. No debts shall be contracted by the city or order be drawn on the city treasury unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council whenever the same shall be asked for by any one member; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing. City orders shall be receivable for all city taxes, except school and special taxes for bridge and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city.

Annual levy of taxes.

SECTION 100. The common council shall annually levy a tax not exceeding three fourths of one per centum upon the total assessed valuation of the city, to defray the current expenses thereof, including highway tax, and for schools, bridges, and the bonded indebtedness of said city, such sum as a majority of the electors thereof shall vote at any annual or special meeting.

Forfeitures and penalties to be paid into treasury.

SECTION 101. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws rules and regula-

tions of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of seven of the aldermen elect.

All property subject to annual taxation.

SECTION 102. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers, and perform the same duties as are, or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors.

Law governing the assessor.

SECTION 103. The assessor elected by virtue of this act shall, in all things pertaining to his office so far as practicable, be governed by the same laws as assessors in towns.

Board of review.

SECTION 104. The mayor and supervisors shall constitute the board of review, and shall meet at the chambers of the common council on the first Monday in August in each year, and shall proceed in all respects as town boards are by law required to proceed. The clerk and assessor shall attend said meeting of the board of review, but shall have no vote in such proceedings.

City regarded as a town.

SECTION 105. The county board of supervisors shall regard the city of New Richmond as a town, in equalizing the assessment rolls of the several cities and towns in St. Croix county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Levy of taxes by board of supervisors.

SECTION 106. The said board of supervisors may levy a tax or taxes in the same manner as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner pro-

vided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Statement to be made of amount of taxes.

SECTION 107. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract, or lot of land, or person named therein, which statement shall be called "the tax list of the city of New Richmond," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be prima facie evidence.

SECTION 108. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, had been done regularly, correctly, and as required by law.

Duplicate copy of tax list to be made.

SECTION 109. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, which shall be called the tax roll, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said tax roll, in the manner provided by law; and the said clerk shall, on or before the first day of December, of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for the collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer to collect taxes.

SECTION 110. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the taxes therein in like manner, and shall have like powers and be subject to the requirements, liabilities and restrictions as town treasurers, except as

otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full for all services performed by said treasurer, under this act or the ordinances of the city.

Return of delinquent taxes.

SECTION 111. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of St. Croix county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

To be sold by county treasurer.

SECTION 112. The county treasurer shall sell all delinquent lands and lots returned from the city of New Richmond, at the same time and in the same manner as other delinquent lands are sold in the county.

Directions only directory.

SECTION 113. All the directions hereby given, except in section 107, of this chapter, for assessing of lands and the levying, collecting and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Levy of special taxes.

SECTION 114. In addition to the amount herein limited for taxes, for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and

cause notice thereof, and of the time and place of voting thereon, to be published in the same manner, as in case of the annual city election. Provided, that the said special tax shall not exceed one per centum of the assessed value as shown by the last assessment roll of the city of New Richmond in any one year.

Order of paying taxes.

SECTION 115. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law.

In case there is no money in treasury.

SECTION 116. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer and if all the funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Annual meeting of council.

SECTION 117. The common council shall meet on Tuesday evening one week previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

MISCELLANEOUS PROVISIONS.

Village and city plats.

SECTION 118. The plats of the village of New Richmond, and the additions thereto heretofore executed and recorded, are hereby adopted as plats of the city of New Richmond, and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks, as they appear on said plats, and by describing the plats as the original plat of the village of New Richmond, now city of New Richmond, or the plat of a specified addition to the village of New Richmond, now city of New Richmond, and in like manner with the plats of other additions, or in any other manner, so as to describe the land with reasonable certainty.

SECTION 119. All laws in relation to the support of the poor in towns shall apply and be in force in said city. Poor laws.

SECTION 120. All moneys, property, effects and credits belonging to the present village of New Richmond, shall belong to the city of New Richmond, aud shall be transferred to the proper officers of said city by the person in charge of the same, as soon as such officers shall be elected and qualified, and the title to all real estate and public grounds now belonging to said village of New Richmond, shall pass to and vest in said city of New Richmond. Village effects, how disposed of.

SECTION 121. Any lawful debt, claim, demand or right of action against the present village of New Richmond shall be and become a lawful debt, claim, demand or right of action against the city of New Richmond, and any and all irregularities that may exist by virtue of re-incorporating said village, and the election or appointment of any and all officers, and the acts of any and all officers or pretended officers of said village, shall in no way invalidate or be set up as a defense by the said city of New Richmond, or any person or persons in any action upon any bond issued by said village, or any other debt, claim and demand against said village. Lawful debts against the village assumed by city.

SECTION 122. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of New Richmond, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with, nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided, further, that the place of meeting, and the places for the town clerk and the treasurer of the town, mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council, or of officers of the city without consent first being obtained of the common council. Where supervisors may hold meetings.

SECTION 123. No general law contravening the provisions of this act shall be considered as re- Does not repeal.

pealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Credit of city. SECTION 124. The credit of the city shall never be given or loaned in aid of any individual, association or corporation.

Public act. SECTION 125. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state and shall take effect from and after its passage and publication.

Approved March 18, 1885.

[No. 63, S.] [Published March 23, 1885.]

CHAPTER 83.

AN ACT to revise, consolidate and amend the charter of the city of Beaver Dam, the act incorporating the city, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Corporate name. SECTION 1. All that district of country in the county of Dodge hereinafter described, shall be a city by the name of Beaver Dam, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Beaver Dam, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law or equity, and shall have a common seal and may change and alter the same at pleasure.

Boundaries. SECTION 2. All that section of country in towns number 11 and 12 north, of range 14 east, to wit: section number 4, and east three-fourths of sec-

tion number 5, and the west one-fourth of section number 3, in township number 11, and section number 33, and the east two-thirds of section number 32, and the west half of section number 34, and the south half of section number 28, and the east three-fourths of the south half of section number 29, and the southwest quarter of section 27, in township number 12 north, of range number 14 east, aforesaid, shall be included in and constitute the limits of the city of Beaver Dam.

Ward boundaries.

SECTION 3. The city of Beaver Dam shall be divided into four wards, as follows, to wit: All that portion of said city lying west of the center of Center street and south of the Beaver Dam river and mill pond shall constitute the first ward. All that portion of country of said city east of the said Center street and south of the center of Front street and Park avenue shall constitute the second ward. All that section of country of said city north of the center of Front street and Park avenue, and east of the center of Spring street to De Clark street and east of the center of De Clark street to the city limits, shall constitute the third ward. All that portion of said city west of the center of Spring street and De Clark street to the city limits, and not embraced in the first ward, shall constitute the fourth ward.

CHAPTER II.

OFFICERS—THEIR ELECTION.

Elective officers.

SECTION 1 The elective officers of said city shall be a mayor, a treasurer, a superintendent of schools, a marshal, two justices of the peace, and for each ward three aldermen, one assessor, two school commissioners and one constable, which said officers shall hold their respective offices as follows: The mayor, treasurer, marshal, superintendent of schools, assessor and constables for the term of one year. The justices of the peace for the term of two years. The aldermen in each ward for the term of three years, and the school commissioners in each ward for the term of two years. The term of office of the said city and ward officers shall commence on the first Tuesday of May next after their election. Each of said officers shall continue in office for his respective

term, and until his successor is elected or appointed and has qualified and shall have such powers and shall perform such duties as are prescribed in this act or as may be prescribed by any ordinance of said city not incompatible with this act, or which may not be incompatible with the nature of their respective offices.

Names of officers to be elected.

SECTION 2. On the first Tuesday of April, 1885, and annually thereafter, on the day fixed by the laws of the state of Wisconsin for holding the annual town meetings of the several towns of this state, the qualified electors of said city shall elect one mayor, one treasurer, one marshal, one superintendent of schools, and one justice of the peace, which said officers shall be qualified voters and residents of said city.

Election of aldermen.

SECTION 3. The alderman from each ward in the present common council, whose term of office will expire in 1886, shall serve as one of the aldermen from such ward under this act until the end of his said term. At the first municipal election under this act, the qualified voters in each ward shall elect one alderman for the term of three years, from the first Tuesday in May, 1885, and one alderman for the term of two years, from the first Tuesday in May, 1885, and thereafter one alderman from each ward shall be annually elected for the term of three years.

School commissioner.

SECTION 4. There shall be elected at the annual charter election in 1885, and annually thereafter, one school commissioner in each ward, who shall be a resident and qualified elector of said ward, and shall hold his office for two years.

Assessor and constable.

SECTION 5. There shall be elected at the annual charter election in 1885, and annually thereafter, one assessor and one constable in each ward, who shall hold their respective offices for the term of one year, and shall be residents and qualified electors of said ward.

In case of vacancies.

SECTION 6. In the event of a vacancy in the office of mayor, alderman, or justice of the peace, by death, removal or other disability, the common council shall order a new election, and shall give not less than five days' notice thereof; any vacancies in other offices shall be filled by the common council. The persons appointed or elected to fill a vacancy, shall hold their offices and discharge the duties thereof for the unexpired term, with

the same rights and subject to the same liabilities as the persons whose offices they may be elected or appointed to fill.

CHAPTER III.

ELECTIONS.

Annual election when held.

SECTION 1. The annual elections for city and ward officers shall be held on the first Tuesday of April of each year at such places as the aldermen of the respective wards may designate. The polls shall be kept open from nine o'clock in the forenoon until sundown of the same day, and there shall be given ten days' previous notice by publication in the official paper of the city of the time and places of holding such election, and the city and ward officers to be elected. Also by posting at least five notices in each ward.

Election shall be by ballot.

SECTION 2. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; all elections by the common council may be *viva voce*, and a majority of the votes cast shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Aldermen to preside at election in ward.

SECTION 3. All elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present, at the hour of opening the polls, shall elect by *viva voce* a sufficient number of inspectors to make three with the aldermen present, who shall be sworn in accordance with the laws of the state. They shall appoint and swear two clerks, and shall see the names of voters registered and the ballots safely deposited in the ballot boxes; shall decide all questions that may arise as to the legality of the votes presented, and shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of the said returns to the clerk of the common council, the other to the county clerk of the county of Dodge. The mayor of the city and such members of the common council as shall hold over,

shall constitute a board of canvassers, who shall within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until sundown.

Who are qualified voters.

SECTION 4. All persons entitled to vote for county and state officers, and who shall have been residents within the ward where they offer to vote for three days next preceding the time of holding said election, shall be entitled to vote for any officer elected under this act; a residence shall be construed to mean the place where such elector lodges, and if required he shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years; that I am a citizen of the United States (or have declared my intention to become a citizen comformably to the laws of the United States on the subject of naturalization); and have been a resident of this state for one year immediately preceding this election, and a resident of this ward for three days immediately preceding this election; and I do further swear or affirm that I have made no bet or wager, nor become directly or indirectly interested in any bet or wager depending upon the result of this election." All persons illegally voting, and all fraud, deceit or corruption at any election under this act, shall be punished according to the laws of this state, made and provided, for the punishment of illegal voting, fraud, deceit or corruption at any general election.

Qualification to hold office.

SECTION 5. No person shall be eligible to hold any office mentioned in this act unless he shall be at the time a resident elector of the city, nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector of the ward in which such office exists.

Penalty for illegal voting.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or alderman, before receiving any such vote, shall require the voter offering to vote to take the oaths or affir-

mations which are provided by the laws of this state and all the provisions of the laws of this state applicable to such cases shall be followed herein, except as is otherwise herein provided. And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the penalty provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment or information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars; all such indictments or informations shall be tried in the circuit court of the county of Dodge.

Regarding special election.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act and returns thereof shall be made in the same time, form and manner as the general or annual elections.

What is deemed vacation in office.

SECTION 8. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any city or ward officer who shall neglect or refuse to qualify on or before the first Tuesday of May following his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such

vacancy, as herein provided by this charter; provided, that all the officers of said city shall hold their respective offices until their successors shall be elected, appointed and qualified, according to law. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

All city and ward officers to hold office until their successors are elected.

SECTION 9. All city and ward officers now in office, shall hold their respective offices until their successors shall be elected or appointed and qualified under this act; and the term of every officer elected under this act shall commence on the first Tuesday of May of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected or appointed and qualified. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, five days' notice of the time and place of holding the election being first given.

First election when held.

SECTION 10. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1885.

How city shall be represented in county board.

SECTION 11. The city of Beaver Dam shall be represented in the board of supervisors of the county of Dodge, by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his ward, the alderman acting as supervisor shall have power to substitute any other elector in his ward to act in his stead, said substitute to be approved and confirmed by the common council.

CHAPTER IV.

OFFICERS, THEIR POWERS AND DUTIES.

Power and duties of officers.

SECTION 1. Every person elected or appointed to fill any office or vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the city clerk; the treasurer, the marshal, the several constables and policemen, justices of the peace

and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices execute to the city of Beaver Dam a bond in such sum and with such sureties and such conditions as the common council may direct; and a common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duty of mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall be the chief executive officer of the city and the head of the police and fire department; he shall appoint the police forces in such numbers as the common council shall direct and in case of a riot or disturbance of the peace, shall appoint a temporary police; he shall communicate in writing to the common council once a year such information as he may deem necessary, and at all times give such information as the common council may require. The mayor shall have a casting vote only in case of a tie on the election of an officer by the common council.

Election of president of council.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council and during the absence of the mayor from the city or his inability from any cause to discharge all the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duty of mayor, shall be styled "acting mayor," and acts performed by them shall have the same force and validity as if performed by the mayor.

SECTION 4. The common council shall elect a city

Election and duties of city clerk.

clerk; he shall keep the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council and to keep a full record of their proceedings; he shall draw and sign all orders on the treasury, except as otherwise provided in this act, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose; and shall also keep an accurate account with the city treasurer and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury from the state, copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon and transcripts from the records of the proceedings of the common council certified by him under the corporate seal of the city, shall be evidence in all courts and places, of the contents thereof and of such indorsements, in like manner and of the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations, and shall perform such other duties as may be required of him by the common council or by the provisions of this act. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem.* and fix his salary. The city clerk shall be clerk of the school board and shall receive no compensation other than that hereinafter provided in this act.

Election of city attorney.

SECTION 5. The common council may elect a city attorney, who shall perform all professional services incident to the office as prescribed by ordinance or resolution, and when required shall furnish written opinions to the common council or its committees.

Duties of treasurer.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; all money of whatever description, raised by tax, license, fine, penalty, forfeiture or otherwise, for city purposes, shall be paid into the city treasury. He shall collect all taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers, when

not prescribed by this act, as control and govern treasurers of towns, and shall be subject to the same liabilities; provided, that he shall receive no fees for his services, except such salary as shall be paid him by the city. He shall pay all orders drawn upon the treasury by order of the common council, or as is otherwise authorized, out of the proper funds. He shall report to the common council quarterly, a full and detailed account of all receipts and expenditures, after the date of the last quarterly report, which statement shall be filed with the city clerk; and at the expiration of his term of office, shall hand over to his successor all moneys, books, papers and property in his possession, belonging to said city. The books kept by said treasurer shall be open to inspection by any person at all reasonable times. At the expiration of his term the said treasurer shall file all assessment or tax rolls in his hands in the office of the city clerk; said assessment and tax rolls shall be substantially bound annually, and shall remain of record in the clerk's office.

Duties of marshal.

SECTION 7. The marshal shall attend all meetings of the common council and of the board of education, and shall perform such duties as shall be prescsibed by the common council for the preservation of the public peace, and the collection of fines and license money; he shall be the keeper of the city lockup, and shall possess the power of constable at common law, or as given by the laws of this state, and shall receive like fees; he shall have power to appoint one or more duputies to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and all writ and process issued by any justice within the county of Dodge, directed to any constable therein, shall be deemed as if also directed to said marshal, and he may serve any criminal process or processes for the violation of any city ordinance in any part of the state. It shall be the duty of the marshal or of any constable in the city of Beaver Dam, and he or they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person who shall be found within the corporate limits of said city in a state of intoxication or who shall be guilty of any boister-

ous revelry or obscenity, or of any breach of the peace, by making any improper noise or disturbance, or by firing guns, or fighting or threatening to fight, or in any other manner disturbing the public peace, or who shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order therein, and such justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act, where no other punishment is provided by law or by any ordinance of said city, shall be punished by fine not less than three dollars nor more than fifty dollars or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days in the discretion of the justice; and in all cases the justice may impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty, nor less than five, as he may think proper; but in case any person shall be committed for nonpayment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

Committing persons to jail.

SECTION 8. Any person making any arrest under the provisions of this act may, if necessary, commit the person arrested to said jail or lock-up without process, and such person shall be delivered up to such officers by the keeper of said jail or lock-up, on demand, and without process; the persons so confined shall be taken before a justice of the peace within twenty-four hours, Sunday excepted, after such complaint, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint be filed by some other person, and process duly issued within the time specified, after the committal.

Duties of superintendent of schools.

SECTION 9. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making application for schools, examinations to be public and in the presence of the board; shall grant certificates to

such persons so examined as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board, in reference to the common schools; he shall also be especially charged with the care and custody of the several school-houses of the city; and under the direction of the board, shall; superintend the building, enlarging, improving, furnishing and repairing of all the school-houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city, at least once in each month, and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties, with respect to such schools, as the board may assign him. It shall be the duty of the superintendent, between the first and fifteenth days of October, in each year, to make and transmit to the county clerk of the county of Dodge, a report in writing, bearing date on the first day of October in the year of its transmission, stating:

Report what to contain.

1. The number of schools taught within the city, and the length of time they have been taught by qualified teachers.

2. The total amount of public money received for the use and benefit of such schools.

3. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years.

4. The manner in which the public moneys have been expended and whether any, and what part remains unexpended and for what cause.

5. The amount of money raised in the city and paid for teachers' wages, in addition to the public money raised therefor; the amount of taxes raised for the purchasing, repairing and insuring of school-houses, for the purchase of school-house sites, for building or hiring school-houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding reports, with such other information as the state superintendent may from time to time require.

Election of superintendent of streets.

SECTION 10. The common council of said city may from time to time, and at such time or times as it shall deem necessary, elect some suitable person superintendent of streets, and by ordinance or resolution provide for and fix his compensation per diem, and prescribe his powers and duties, and remove him from office at pleasure, by a majority vote of said common council, at any time the said common council may deem proper; and the said superintendent of streets shall at all times under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized by the common council. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstructionn and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water-courses within the city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide. The superintendent of streets shall monthly report to the common council a correct statement of the labor expended by him on streets or sidewalks; and the names of the persons by him employed for street work, and the amounts to which they are entitled; and the superintendent of streets shall also perform all the acts and duties imposed upon him, or prescribed by any ordinance or resolution of the common council, and the said superintendent of streets shall, at all times, be under the direction and control of the common council, and shall expend no more money upon the streets than the common council, may from time to time order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

Further duties may be required of officers.

SECTION 11. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation

of all officers appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Printing to be let to the lowest bidder.

SECTION 12. The common council shall annually provide that all printing authorized and required by them to be done for their use for the city shall be let to the lowest responsible bidder for the term of one year, and may require sufficient security for the faithful performance of said contract. All ordinances, resolutions, notices and other proceedings required by this act, or by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such ordinance, resolution, by-law or proceeding.

Penalty for failure to deliver to successor.

SECTION 13. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Who are officers of the peace.

SECTION 14. The mayor, sheriff of Dodge county, each and every alderman, justice of the peace, marshal, constables and watchmen, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and the mayor, president and marshal may command the assistance of all by-standers, and if needful, of all citizens; and if any by-standers shall refuse to aid in maintaining the peace when

required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Election and duties of city surveyor.

SECTION 15. The common council may elect a city surveyor, who shall be a practical engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city and shall be carefully preserved in the office of the city clerk, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Jurisdictions of justices of the peace.

SECTION 16. The justices of the peace provided for in this act, shall hold their offices in the city of Beaver Dam, and shall have the same rights, powers and jurisdiction as justices of the peace elected in towns, and shall have jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; and try all offenses against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offenses against the ordinances of the said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fines under the ordinances, defendants shall have the same right to an appeal, under the same provisions and requirements as now are, or may be provided for taking appeals from justices of the peace.

Justices of the peace shall report.

SECTION 17. On the first day of May in each year, or within ten days preceding said date, every justice of the peace before whom any proceedings have been had under this act, shall report to the common council the names of all persons brought before him under this act, for what cause, the final disposition of the complaint, the amount of costs which have accrued upon such complaint, chargeable to the city, if any, to whom such costs

are payable, and the amount of fines received by him in each case.

CHAPTER V.

SALARIES OF CITY OFFICERS.

SECTION 1. The several city officers hereinafter named, shall receive the following salaries for their services as such officers, and the same shall be accepted and shall be in full compensation for such services during the term of their respective offices, to wit: The city treasurer, the sum of four hundred and twenty-five dollars; the city clerk the sum of three hundred dollars; the superintendent of schools the sum of two hundred dollars; the city marshal the sum of two hundred dollars; the assessor of the first ward the sum of forty dollars; the assessors of the second, third and fourth wards the sum of fifty-five dollars each; the stewards of the fire department the sum of fifty dollars each, per annum. Salaries of city officers.

SECTION 2. All salaries paid by the city to officers or others shall be payable monthly, at the end of each and every month, except assessors, who shall be paid at the conclusion of their duties each year. Salaries payable monthly.

CHAPTER VI.

THE COMMON COUNCIL — ITS POWERS AND DUTIES.

SECTION 1. The municipal government and the corporate authority of the city of Beaver Dam, shall be vested in the mayor and common council. The board of aldermen, consisting of three members from each ward, shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Beaver Dam do ordain," etc. The common council shall meet at such time and place as they by resolution should direct; a majority of the aldermen shall constitute a quorum. Duties and powers of council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the aldermen, to be served personally or left at their usual place of abode. The common council shall determine the Shall hold stated meetings.

rule of its own proceedings and be the judge of the election and qualification of its own members, and shall have power to compel the attendance of absent members.

Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided; and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations, for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations, and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinance, resolution, by-laws, rules or regulation:

Licenses.

1. To tax, license, regulate, suppress or prohibit the keeping of billiard tables, pool tables, nine or ten pin alleys, bowling saloons and ball alleys for the purposes of gain, and prescribe the hours within which the places where the same are kept may be opened.

Shows' etc.

2. To license, tax, regulate, suppress or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Prevent riots, etc.

3. To prevent any riot, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame, and to

authorize the destruction of all instruments and devices used for the purpose of gaming.

Cleansing nauseous places.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

Location and management of breweries, etc.

5. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management, and construction of, and regulate, license, restrain, abate or prohibit within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Regulating public markets.

6. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations;

Regulate butchers.

7. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Storing gunpowder.

8. To direct or prohibit the location and management of houses for the storing of gunpowder, or other combustible and dangerous materials within the city.

Gunpowder.

9. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Shooting of fire-arms.

10. To prevent shooting of fire-arms and fire-crackers, and to prevent the exhibition or use of any fire-works, at any time or in any situation which may be considered by the council danger-

ous to the city or to any property therein, or annoying to any citizen thereof, or fishing from any bridge, street, alley or sidewalk.

Incumbering of streets, etc.

11. To prevent the incumbering of the streets, sidewalks, lanes, alleys and public grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, fire-wood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever.

Horse racing and immoderate driving.

12. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals; and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Bathing and swimming.

13. To regulate and determine the times and places of bathing and swimming in the rivers or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Restrain and punish vagabonds.

14. To restrain and punish vagrants, mendicants, street beggars and prostitutes and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain the running of cattle at large.

15. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the costs of the proceedings; and also to impose penalties or the owners of any such animals, for a violation of any ordinance in relation thereto.

Dogs.

16. To prevent the running at large of dogs, in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Dog tax.

17. To provide for licensing the keeping of dogs in the said city, at a sum or rate of not less than one dollar nor more than five dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of licensed dogs; and for the killing and destruction in a summary manner of all dogs not licensed, whenever the same may be

found within the said city, and of all licensed dogs running at large in the streets, alleys or public grounds in the said city; and to punish persons keeping unlicensed dogs.

License and suppress hackmen.

18. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles; also to license bill posters and prescribe their compensations.

Rolling hoops, flying kites, etc.

19. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Infectious diseases.

20. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds.

Abatement of nuisances.

21. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Provide cemetery grounds and keeping bills of mortality.

22. To provide and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery, plants, grave-stones, monuments, railings, buildings, or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths;

to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals.

Abatement of nuisances.

23. To abate and remove all nuisances under the ordinances or at common law and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city or within its jurisdiction by indictment or otherwise.

Putrid carcasses.

24. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish, hides or skins, of any kind, and on his default to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons.

Pest-houses.

25. To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same.

Ringing of bells.

26. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusements or otherwise.

Steam-whistles.

27. To control, regulate or prohibit the use of steam-whistles within the limits of the city.

Regulate the streets.

28. To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

Cleansing of sidewalks.

29. To compel owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, streets or alley, opposite thereto; and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health shall direct; and on their default, to au-

thorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants.

Cleansing streets, etc.

30. To control, regulate, repair, amend and clean the streets and alleys, bridges, side and cross walks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and prevent the incumbering of the streets and alleys in any manner, and protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon.

Riding or driveing on sidewalks.

31. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Regulate pumps, etc.

32. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs.

Erect and light lamps.

33. To erect lamps and to regulate the lighting thereof, and to provide for lighting the streets and public buildings with gas or otherwise.

Weights and measures.

34. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weights, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state.

Weighing and selling hay.

35. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties.

Auctions and vendues.

36. To regulate the times, places, and manner of holding public auctions and vendues.

License auctioneers.

37. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise, to tax, license, regulate and re-

strain hawkers and peddlers, transient dealers and runners, or solicitors for steamboats, vessels, cars, railroads, stages, public-houses and other establishments; and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift bookstores, gift concerts, and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars per year, nor greater than at the rate of one hundred dollars per year for carrying on either of said trades, kinds of business or employment.

Regulate lumber yards.

38. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood, or other combustible material within the fire limits of said city.

Measuring and inspecting lumber.

39. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint one or more inspectors.

Selling fish.

40. To regulate the places and manner of selling fish.

Steam-engines.

41. To provide for the inspection and regulation of stationary steam-engines and boilers.

Fees.

42. To appoint inspectors and weighers and regulate their duties and prescribe their fees.

Public grounds.

43. To establish and regulate public grounds.

Locomotives.

44. To regulate the speed of locomotive engines within the city, and to direct and control the location of railroad tracks, etc.

Watchmen.

45. To appoint watchmen and policemen, and regulate the police, and prescribe their duties.

Number buildings.

46. To compel the owners and occupants of all houses, stores and other buildings within the city, to number the same in such manner as the common council may from time to time prescribe.

47. To declare the weed commonly called the

Canada thistle and other noxious plants and weeds on lots, parts of lots, railroad tracks and streets, and lands in said city, a public nuisance, and to proceed to abate the same, as the said city is authorized by law to abate other nuisances. Obnoxious weeds.

48. To impose fines for all violations within the limits of the said city, of the general laws of the state, when, in their judgment, it is necessary for the peace and good order, or for the health of the said city. Fines and penalties.

49. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Trees.

50. To preserve the purity of waters of the river or lake, to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up, or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances of filth, logs or floating matter, to prevent and remove all obstructions therein, and punish the authors thereof. Purity of waters.

51. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice. Education of destitute children.

52. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, smoke stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement. Regulation and construction of buildings.

53. To declare that it shall be unlawful for any hall, theater, opera house, church, schoolhouse or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm. Safety of houses.

54. To regulate the sale or traffic in merchandise in the city of Beaver Dam, as they may see fit, and to have power to grant license to transient dealers, or to require the payment into the Sale of merchandise.

city treasury of a certain percentage of the amounts received from sales by auctioneers and transient dealers.

Ordinances to be presented to mayor for approval.

SECTION 4. Every act, ordinance, by-law, regulation, resolution or appropriation which shall have been duly passed by the common council, before it shall take effect and within four days after its passage, shall be presented to the mayor by the city clerk for his approbation. If he approve, he shall sign it; if not, he shall return it within five days, with his objections stated in writing, to the city clerk, and the clerk shall submit such objections to the common council at their next meeting thereafter, who shall enter said objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if, after such reconsideration, two thirds of the members elected should vote to pass such act, ordinance, by-law, regulation, resolution or appropriation, it shall take effect and be in force as an act or law of the corporation; otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken by yeas and nays and entered upon the journal of proceedings of the common council. If the mayor shall not return any act, ordinance, by-law, regulation, resolution or appropriation so presented to him within five days after such presentation thereof, it shall take effect in the same manner as if he had signed it; and in case said ordinance, act, by-law, regulation, resolution or appropriation shall not receive the signature of the mayor, the certificate of the city clerk shall be attached thereto, showing the manner in which the ordinance, act, by-law, regulation, resolution or appropriation was passed and acquired its validity. Before any such acts, ordinances, by-laws, regulations or appropriations shall be in force, they shall be published in the official paper of said city and together with the affidavit of publication shall be recorded by the city clerk in books provided for that purpose. The time and manner of publication may be proven by the original affidavit of publication, or by the recorded copy thereof, or in case of the loss or destruction of either the original affidavit, or act, ordinance, by-law, regulation, resolution or appropriation, or the book or books containing a record of the same, the contents of

the affidavit, act, ordinance, by-law, regulation, resolution or appropriation, as well as the fact of recording the same, or any of them, or any matter or thing therein contained, may be proven by parole testimony.

Shall not bar or hinder suits.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold, without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examine and audit accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners, marshal and all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Expulsion of members.

SECTION 7. The common council shall have power to expel any member of said council from his seat as a member of said council, and from his office as alderman, or for any violation of his oath of office; provided, that no such member of the council or alderman shall be expelled unless

two-thirds of the aldermen elect vote for such expulsion.

Shall not be a party to any contract.

SECTION 8. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

City water-works.

SECTION 9. The common council of the city of Beaver Dam may, by ordinance, adopted by majority vote of the members of said common council, empower, authorize and permit any corporation, association or individual to erect, construct, complete and maintain in the city water-works, and to grant to any individual, association, or corporation, the privilege to run through, and lay water pipes under any street or alley, or above ground, and to erect hydrants, and build such buildings, and use such machinery, as will be necessary to construct such water-works, and the common council of said city may contract with such individual, association or corporation to supply said city with water, and to rent or purchase hydrants and the expense thereof be charged to such wards or districts wherein such hydrants, are erected, and the aldermen, or a majority thereof, of each ward, may divide the wards which they respectively represent into one or more water districts, with power to alter the boundaries thereof, or re-district the same; or the common council may build, erect, construct, complete and maintain in the city, water-works, with or without steam-engines to run the same, aud run pipes therefrom through the city, underground and above ground, or may build water-works by sinking artesian wells and fountains, and making reservoirs, and may purchase patent rights for patent water-works, or purchase water-works erected by any individual, corporation or association; may rent the use of the water to residents, and provide for the collection of the rents, impose fines and penalties for the care and protection of the water and the water-works; do all the common council may deem necessary to be done in the premises, to supply the

city and the residents thereof with water, by ordinance; provided, however, that no such ordinance to build or purchase water-works, shall be valid and binding, until the same shall be submitted to the vote of the qualified electors of said city, which may be done at a regular or special election called for that purpose, by a majority vote of the common council. At least two weeks' notice thereof shall be given, and if a majority of the qualified electors voting shall vote in favor of such ordinance to build or purchase water-works, the common council may raise the whole or part of the money required by the ordinance to build or purchase the water-works, by special tax, or by inserting the same in the annual tax roll, or may raise the whole or part thereof by issuing the bonds of the city therefor and selling the same, which bonds may be made payable in thirty years, or less number of years, in equal annual payments, not to draw to exceed six per cent. interest, payable annually.

Levy tax.

SECTION 10. There shall be levied and assessed upon, and collected from all the taxable property in such district, a tax or assessment to pay all the cost and expense for water used, and for the rentals of hydrants by the city in such ward or district as aforesaid; the same shall be collected therefrom as other taxes and assessments are collected.

CHAPTER VII.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge, widen or extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders residing in the city, shall, by petition, represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging, widening or extending the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains giving the

course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land, in case such owner or owners shall reside in the city of Beaver Dam, and to the occupant or occupants of such land, if any there be, which notice may be served personally, or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants, or if any of said lands shall not be in the actual occupation of any person, nor owned by any resident of said city, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the city of Beaver Dam for two successive weeks, at least once in each week.

What notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Dodge, or a court commissioner in and for said county, and if the latter, stating his name and residence, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages, but the officer to whom such application is made, must not be an owner or otherwise interested in any of the lands proposed to be taken or used.

Appointment of jurors.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner, as the case may be, shall thereupon appoint as jurors, six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within thirty days from the date thereof, to view such premises, to be specified in said precept, and

to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purposes specified in such application.

Disqualified jurors.

SECTION 4. If any juror so appointed shall be disqualified or shall refuse to act, at any time before the completion of their final award, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to give notice of proceedings.

SECTION 5. The said jurors shall give notice of the proceedings to be taken, of the time and place, when and where they will view the premises in question, to the owner or owners of such land, in case they shall reside in the city of Beaver Dam, and to the occupant or occupants of such lands, if any there be, which notice may be served personally or left at the place of business or residence of such owner or owners, occupant or occupants, at least five days before the view will be made, and in case any of said lands shall not be in the actual occupation of any person nor owned by any resident of said city, then said jurors shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in said city, for two successive weeks. The said jurors having first taken the oath hereinafter provided for, and on the day stated in such notice, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors to make report.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them, respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

In case jurors report it is necessary to take such premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approve such report, enter an

order among its proceedings, confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, and after having taken the oath hereinafter provided for, and after giving notice of the proceedings to be taken, in the manner and as provided in section 5, of this act, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking or use of any lands or premises under this act, and the same have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above.

In case there is a building on the land.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Ten days notice of determination to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in said city for two successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building he shall have such time for that purpose as the common council may allow.

In case owner refuse to take the building.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give

notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such. The proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Jurors to view and examine the premises.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively, in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages; after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands the jurors shall include the value of the building or buildings, if the property of the owners of such lands, as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove; in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to assess the damages.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

In case land belong to different parties.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate in it less than an estate in fee, to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements.

SECTION 14. The award of the jurors shall be

Award to be signed by the jurors.

signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Land shall not be appropriated until paid for.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded to the owner thereof, shall be paid or tendered to the owner or his agent, or in case said owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys, and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Contracts and covenants to cease.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken or used by virtue of this act, all the covenants, contracts, engagements or liabilities relating to the same or any part thereof, shall after the expiration of the time for appealing, as hereinafter provided, respectively cease, and be absolutely discharged.

Contracts and covenants to cease when part is taken only.

SECTION 17. When only part of the lot or tract of land or other premises so under lease or other contract or incumbrance shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

SECTION 18. The damages assessed on each separate lot or tract shall be paid, tendered or deposited as herein required, within one year from the confirmation of such assessments and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void. Damages assessed to be deposited.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under disability, the judge of the circuit court of Dodge county, or the county judge of said county, may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested. In case of infant.

SECTION 20. The jurors mentioned in this act, shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge or court commissioner shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve. Said jurors shall each be paid the sum of two dollars per day, by said city, for each day actually spent by them in the discharge of their duties. Jurors to take an oath before entering on discharge of duties.

SECTION 21. The common council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Dodge county from the decision of said jurors so far as it affects the interest of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party, other than the common council, shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditional to pay all costs of said Appeal from decision, how taken.

appeal, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case amount of damages is increased or diminished.

SECTION 22. In case the amount of damage awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered, as to such difference, amended thereby.

Profile to be made.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Changing streets.

SECTION 24. No street or alley, or part thereof, shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley, in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Shall not apply to unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Only directory.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VIII.

IMPROVEMENT OF STREETS.

Improvements of streets.

SECTION 1. The common council shall cause a survey of all streets to be made, and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grades shall be strictly complied with, unless altered and modi-

fied as hereinafter provided, in the opening and grading of all streets and in the erecting of all bridges, sluices, water-courses and drains, and in constructing all sidewalks, platforms, cross walks and alley-ways.

New survey may be made.

SECTION 2. Upon the application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Damages.

SECTION 3. Any person not being a signer of such application, who shall have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same; provided, that no suit shall be brought against the city for the recovery of such damages until application shall have been made to the common council, and said common council shall have refused or neglected for three months to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Sidewalks to be constructed on established grade.

SECTION 4. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until sixty days' notice shall have

been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same in the official paper of said city. And it is hereby declared to be the duty of owners of lots fronting on any street, alley, lane or highway in said city, to keep the sidewalk in front thereof in good and safe condition for use.

Superintendent may repair sidewalks.

SECTION 5. Whenever the superintendent of streets shall deem it necessary to repair or rebuild any sidewalk within the limits of said city, when the same is out of order or decayed, said street superintendent shall direct the owner or occupant of the lot or piece of ground adjoining the said walk to repair or rebuild the same at his own proper cost and expense, in a reasonable time and manner, to be prescribed by said superintendent. If such walk is not done in the time and manner prescribed by the superintendent of streets, and to his satisfaction the said superintendent shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk, and report the cost, of said repairs to the common council. The common council of said city shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired or rebuilt by said superintendent, sufficient to pay the cost of repairing and rebuilding the same, and neither the said city nor any ward thereof, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect in any sidewalk in said city, unless the superintendent of streets shall have first had actual notice of such defect, and reasonable time thereafter to repair the same; nor unless within fifteen days after the happening of the event causing such damage, a notice in writing, signed by the party, his agent or attorney shall be given to the mayor of said city, stating the place where such damage occurred, and describing generally the insufficiency or want of repair which occasioned it, and that satisfaction therefor is claimed of such city.

Written notice to be given to all lot owners.

SECTION 6. The council shall give written notice to all owners or occupants of lots upon which stagnant waters may be, which may be deemed injurious to health by reason thereof to abate such nuisances by draining or filling such lot within a

reasonable time, to be specified in such notice, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Macadamising streets.

SECTION 7, The common council of the city of Beaver Dam shall have power to cause any street, highway, lane or alley, in said city to be graded, worked, graveled, macadamized, paved, or repaved, planked, or replanked, and repaired, and to cause any sidewalks, crosswalks, drains, sewers, gutters and culverts to be made therein as it shall deem necessary, and the same shall be repaired or relaid as may be ordered by the common council. The common council, prior to ordering by resolution, ordinance or otherwise, any street, highway, lane or alley, or any part thereof, to be graded, worked, macadamized, graveled, paved or repaved, planked or replanked, or any sewer, drain, gutter or culvert to be made therein, shall cause a plain and accurate specification of the proposed work to be prepared and filed with the city clerk. The common council shall cause to be published in the official paper of said city, such specifications, with a notice, signed by the clerk, that on a certain day fixed in said notice, at least eight days after the first publication thereof, the common council will proceed to act in relation to the work mentioned in such specification; and said notice shall specify that sealed proposals for the performance of said work, will be received by the city clerk up to the time fixed in said notice for the opening of such proposals; upon the day mentioned in the above required notice all such proposals shall be opened in the presence of the common council, when the said common council shall determine which is the most favorable of such proposals, and may by a vote of a majority of its members, accept such proposal, and authorize and direct the construction of the proposed work, and direct the expense thereof to be assessed in the manner hereinafter specified; provided, however, that the common council are hereby authorized to reject all of said proposals, if in their opinion they shall be deemed unreasonable. The common council may require the person or persons whose proposal or proposals

may be accepted, to execute a bond, with one or more sureties, to be approved by the mayor, and in such penalty as the said council shall determine, conditioned that the person whose proposal has been accepted, shall perform the work mentioned in such proposal, at the price and upon the terms proposed, according to the published plan and specifications, and subject to the approval and supervision of the aldermen of the ward in which said work is to be done, or of an overseer, to be appointed by said common council, with such other conditions as the said council may prescribe.

Proceedings to be had in case grading or graveling is to be done.

1. In case the work shall be the grading, graveling, leveling, paving, macadamizing, or planking any street, alley, highway or lane or any part thereof, or the building of any sewer, drain, gutter or culvert therein, the common council shall appoint some competent person to ascertain the aggregate front length of all lots and parcels of land on both sides thereof, limited to the proposed improvement, and the front length of each lot or parcel of land bounded on such improvement, with a correct description thereof and the name of the owner if known. The said council shall then determine the expense of the whole work, including the surveying, specifications, advertising treasurer's commissions and preparing assessment lists and cause the average expense upon each foot front of the lots and parcels of land on both sides of such street, highway, lane or alley, excluding cross streets from the computation, to to be ascertained; and each lot or parcel of land shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot; provided, that if the said common council shall determine that the expense of such grading, graveling, leveling, paving, macadamizing or planking of any street, highway, lane or alley or any part thereof, or the construction of any drain, gutter, sewer or culvert therein shall be too great to be borne by the owner or owners of lots or parcels of land in front of which said work is to be done and improvement made, then said council shall also determine what proportion of said expense shall be borne by said owner or owners of lots or parcels of land and shall determine the

amount to be assessed against each lot or parcel of land in the manner above stated and the amount so determined and fixed shall be assesed upon said lots or parcels of land, so that each lot or parcel of land shall pay its just and equal proportion of the expense and the balance of said expense shall be paid out of the general fund of said city, and shall be assessed and collected as the other taxes in said city are assessed and collected; and the amount so determined to be paid by said lots or parcels of land shall be levied and collected against said lots or parcels of land as other taxes are levied and collected in said city.

Respecting cross walks.

2. In case the work shall be the construction of any cross walk or drain or walk in front of or across any public ground, or the keeping of the same in repair, or the making, construction and keeping in repair of any sewer or culvert across any public grounds, or the cleaning and cleansing of any such sewer or culvert, then the expense thereof shall be paid out of the general fund of said city.

CHAPTER IX.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner.

Orders on treasury to be specified.

SECTION 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city, except taxes levied for school purposes.

No debt shall be contracted by city except as stated.

SECTION 3. No debt shall be contracted against the city, or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever,

except such as is expressly authorized by this act, and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city over and aside from the current expenses of the city government for any and all purposes, to exceed the sum of fifty thousand dollars, but no such debt shall be contracted except by a vote of two-thirds of the members elect.

Forfeiture and penalties to go into treasury.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

All property subject to taxation.

SECTION 5. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

Accurate and complete assessment roll to be made out.

SECTION 6. On or before the first day of June of each year, the assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same

shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Board of review how constituted.

SECTION 7. The mayor, city clerk, the city treasurer and the assessors of the several wards, shall constitute a board of review; said board shall meet annually on the last Monday of June at the common council room; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. The mayor shall receive a compensation of twenty-five dollars for his services on the board of review. Said board of review, so constituted, shall have the same powers, and shall be subject to the same restrictions as town boards of review, under the laws of the state.

Return of assessment roll.

SECTION 8. Immediatly after the final adjournment of the board of review in each year, the assessors shall return their assessment rolls to the common council by depositing the same with the city clerk. The common council may supply omissions in said rolls, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessors.

Amount of taxes to be determined.

SECTION 9. On the first Tuesday of July in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount necessary to be levied for school purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which

shall appear in the proceedings of the common council.

Taxes and assessments to remain a lien.

SECTION 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Abstract of assessment roll to be transmitted.

SECTION 11. Before the annual meeting of the board of supervisors of the county of Dodge, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded as a town for assessing purposes.

SECTION 12. The board of supervisors shall regard the city of Beaver Dam as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

Levy of tax.

SECTION 13. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Duties of city clerk respecting assessment roll.

SECTION 14. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax roll in such separate columns as may be necessary with the

total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Beaver Dam," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Shall be prima facie evidence of corrections.

SECTION 15. The tax roll made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done relating to assessing or levying taxes, from the election of officers to the completion of the tax roll inclusive, has been done, regularly and correctly, as required by law.

A warrant to be appended.

SECTION 16. Immediately after making out the tax roll as aforesaid, a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall, on or before the twenty-fifth of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

City treasury to proceed to collect the same.

SECTION 17. The city treasurer upon receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this charter. The city treasurer shall collect one per cent. fees upon all taxes paid before the first day of January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes and collected with the same, and such fees shall be held by him as the money of the city, and paid out and used as other moneys of the city in the hands of said treasurer.

A list of delinquent lands to be filed.

SECTION 18. On or before the fifteenth day of February of each year, the said treasurer shall make out and file in his office a list of all lands and lots upon which the taxes have not been paid.

All property subject to special taxes.

SECTION 19. All real estate exempt from taxation by the laws of this state within said city shall

be subject to special taxes for the building of sidewalks, the repairing thereof, and improvements of streets in front of the same.

Proceedings in case of non-payment of taxes.

SECTION 20. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state; to advertise and sell on the second Tuesday in April in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge, and the said sale shall in all cases be made for the smallest undivided portion of said lot or tract of land, for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser, and a description of the premises sold, the amount paid therefor, the amount of interest the same may bear and the time when the right to redeem the same will expire. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices, and all sales so made and the certificates so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

City may receive property.

SECTION 21. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city, and thereupon the city shall receive in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other

purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor, for the amount and interest, and to endorse and transfer such certificates to the purchaser.

In case purchaser neglects to pay.

SECTION 22. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold at such time as the treasurer shall designate, he shall, on the day following, offer said lot or parcel of land again for sale.

Respecting redemption.

SECTION 23. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the city treasurer the amount for which the same was sold, together with interest at the rate of twenty-five per cent. per annum, and legal charges thereon. And said treasurer shall deliver to the person making the same, duplicate receipts for such payments, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment, and the name of the person paying the same; and the treasurer shall also enter on the list kept by him opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor and the time when paid. The person to whom such duplicate receipts are given shall present them to the city clerk, and thereupon said clerk shall countersign one of the said receipts and return it to the person entitled thereto, and retain the other and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of such taxes, as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk, unless the same shall first be countersigned by such clerk.

Respecting the sale of land for taxes.

SECTION 24. Any lot or parcel of land sold in pursuance of the provisions of this act, or any part thereof which shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same; provided, the general law in regard to the filing of affidavits of service of notice to the owner or occupant or of non-occupancy, has been complied with. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon, and such deed, duly witnessed and acknowledged, shall be *prima facie* evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, and the city clerk shall annually, within the last six months prior to the expiration of the time limited for redeeming lands sold for taxes, cause to be published in some newspaper printed in said city once a week for twelve successive weeks, a list of all unredeemed lands, specifying each tract or lot sold, the name of the person to whom assessed, if any, and the amount of taxes, charges and interest calculated to the last day of redemption, due on each parcel, tract or lot of land, together with a notice that unless such lands be redeemed on or before the day limited therefor, naming the same, they will be conveyed to the purchaser and holder of the certificate of sale. The fees for said publication shall be the same as now allowed by law for publishing lands sold by county treasurers, and the same shall be charged against lots or lands so advertised and sold for taxes.

What one is required to prove in a controversy.

SECTION 25. In all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons

claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment that the taxes or assessment had been paid, that the land had never been assessed for taxation or assessment or that the same had been redeemed according to the provisions contained herein, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale; and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Fees for treasurer.

SECTION 26. The treasurer of said city shall charge for such services the same fees as are now allowed and paid to the county treasurer for the same or similar services, such fees to accrue to the benefit of the general city fund; and it is hereby declared to be the meaning and intent herein to confer all the powers and duties of the treasurer of the county of Dodge, as far as relates to the collection of delinquent personal property taxes, and to the selling of lots and lands for taxes within the city of Beaver Dam, upon the treasurer of said city.

Directions only directory.

SECTION 27. All the directions hereby given except in section 9, of this chapter, for the assessing of lands, and the assessing and the levying, collection and returning of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

CHAPTER X.

PUBLIC SCHOOLS.

Public schools.

SECTION 1. The school districts and parts of districts within the corporate limits of the city of

Beaver Dam shall constitute one district for the better regulation and management of the public schools of said city.

Board of education.

SECTION 2. The commissioners of common schools in said city, together with the superintendents of schools shall constitute a board, to be styled, "the board of education of the city of Beaver Dam," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent, a president *pro-tempore* may be appointed, but such president shall have only a casting vote. A majority of the board shall form a quorum. The city clerk shall be clerk of said board and shall receive no extra compensation other than that heretofore provided for in this act. The said commissioners shall receive no compensation for their services.

Record of proceedings shall be kept.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

Money to be raised for school purposes.

SECTION 4. The common council of the said city shall have the power, and it shall be their duty to raise from time to time, by tax upon the real and personal estate in said city, which shall be liable to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as the said council shall deem necessary or proper for any or all of the following purposes, estimates therefor having been previously submitted to the said council by the board of education for the information of the council; and it is hereby made the duty of the board of education of the city of Beaver Dam, to submit said estimates to the common council on or before the first Tuesday in July of each year:

School sites.

1. To purchase, lease or improve sites for schoolhouses.

Building.

2. To build, purchase, lease, enlarge, alter, im-

prove and repair school-houses; and their out-houses and appurtances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text-books for any scholar whose parents or guardian shall be able to furnish the same. School apparatus.

4. To procure fuel and defray the contingent expenses of the district library of said city. Fuel.

5. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose; provided, nevertheless that no tax shall be laid for such purposes oftener than once in each year; and provided, also, that the amount to be raised for teachers' wages and for contingent expenses in any one year, shall in no case exceed six dollars for each person that draws public money, nor less than two dollars, that the amount to be raised in any one year for repairing school-houses and the appurtenances shall not exceed fifteen hundred dollars and for buying sites and erecting new school-houses, shall not exceed three thousand dollars. Pay teachers wages.

SECTION 5. The common council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city. Taxes to be collected annually.

SECTION 6. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond shall be accountable therefor, in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct as in relation to the other moneys of said city. All moneys to be paid to city treasurer.

SECTION 7. The treasurer of said city shall not pay out any moneys in his hands received by said city either as school moneys or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him How treasurer shall pay out money.

and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

Suits.

SECTION 8. The said board may cause a suit or suits to be prosecuted in the name of the city of Beaver Dam upon the official bond of the treasurer or of any collector of said city for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this section mentioned.

Exemptions.

SECTION 9. The city of Beaver Dam is hereby exempt from the provisions of an act entitled "An act to create the office of county superintendent of schools," approved April 6, 1861, except in the matter of making reports to the state superintendent of schools.

POWERS AND DUTIES OF BOARD.

Powers and duties of the board defined.

SECTION 10. The said board shall have power, and it shall be its duty:

1. To establish and organize such and so many schools in the several wards of the city, including the common schools now existing therein, as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase or hire school-houses and rooms and lots and sites for school-houses, and to fence and improve them as they may deem proper; provided, the amount necessary has been appropriated by the common council of said city.

3. Upon such lots and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school-houses as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and to defray their contingent expenses, and the expenses of the district library.

5. To have the custody and safe keeping of the school-houses, outhouses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

6. To contract with and employ all teachers in the common schools, and the high school, who shall have been licensed by the superintendent and at their pleasure to remove them.

7. To pay the wages of such teachers out of the school moneys which shall be appropriated to said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section 4, of this chapter, by tax upon the city.

8. To defray the necessary contingent expenses of the board.

9. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for their good order, prosperity and public utility.

10. Whenever in the opinion of the board it may be deemed advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council.

11. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school-houses, lots and sites and appurtenances, and all other property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually determine and certify to said city council the sums in their opinion necessary or proper to be raised under the ninth section of this chapter, specifying the sums required for each of the purposes therein mentioned, and the reason therefor.

12. The board of education shall adopt for the use of the several public schools in the city, suitable text books, which shall be uniform, and when the board shall have adopted for use in the public schools of this city any text-book or text-books, the same shall not be changed by the board or by any teacher or other person for five years thereafter, and the said board shall adopt, and at its discretion, modify or repeal by-laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all

such measures as shall promote the good order and public utility of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of this state.

Outside attendances in schools.

SECTION 11. The said board of education shall have power to allow the children of persons not residents within the city to attend any of the schools of said city, under the care and control of said board, and upon such terms as the board shall by resolution prescribe.

Must not exceed the money in treasury.

SECTION 12. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of money that shall be subject to their order during the then current year, for the particular expenditure in question, and not to exceed such amount.

Trustees of district library.

SECTION 13. The said board of education shall be the trustees of the district library in said city and all the provisions of law which now are or may hereafter be passed, relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired the damaged books belonging thereto.

Receipts and disbursements.

SECTION 14. It shall be the duty of the said board, annually, on or before the first Monday in May, in each year, to prepare and report to the common council, true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated, under appropriate heads:

1. The moneys received by the common council under the fourth section of this chapter.
2. The school moneys received by the treasurer of the city from the county treasurer.
3. Moneys received by direct tax.
4. All other moneys received by the treasurer,

subject to the order of the board, specifying the sources.

5. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditures; and the common council shall forthwith cause the same to be published in at least one of the newspapers published in said city.

Rules and regulations of state superintendent.

SECTION 15. The said board shall be subject, from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Protection of school-houses.

SECTION 16. The common council of the said city shall have power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe-keeping, care and preservation of the school-houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this act; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this act.

Respecting sale of school-houses or sites.

SECTION 17. Whenever the said board shall report to the common council that it is advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, the common council may sell the same, upon such terms as they may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expended by them in purchase, leasing, repairs or improvements of other school-houses, lots, school furniture, apparatus or appurtenances.

Titles of school-houses to rest in city.

SECTION 18. The title to the school-houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Beaver Dam,

and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city, by its proper style or by any other designation, or to any person or persons or body, for the use of said schools.

Money to be held by treasurer.

SECTION 19. All moneys authorized to be raised by virtue of this act, for school purposes, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys, and the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Teachers not eligible to office of commissioner of schools.

SECTION 20. No person in the city of Beaver Dam engaged in teaching any of the public schools of said city, shall be eligible to the office of commissioner of common schools in any of the several wards in said city, and no member of the board of education shall be employed to teach any of the schools of said city.

Shall not be interested.

SECTION 21. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

CHAPTER XI.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof,

shall not be erected or repaired and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Regulate construction of buildings.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders reaching to the same. To authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Purchase fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from serving on

juries and from military duty during the continuance of such membership.

Meeting of fire companies.

SECTION 4. There shall be a meeting of the members of said companies on the first Friday of January in each year, at such place as may be designated by the mayor, when they may elect and recommend to the common council for confirmation, one chief engineer, one assistant engineer, and one steward, which latter shall be a salaried officer; and the common council may thereupon confirm such elections, and the persons so elected and confirmed shall perform such duties as the common council shall prescribe. The chief engineer of the fire department shall, annually, on or before the first Friday of January in each year, prepare and file in the city clerk's office a complete list of all members in good standing belonging to the fire department.

Firewardens.

SECTION 5. At the same time, as specified in the preceding section, the members of said company shall elect, and the common council may confirm, four firewardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may, at any time, enter into or upon any house, store-house, or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Penalty for refusal to obey engineer.

SECTION 6. Whenever any person shall refuse to obey any lawful order of the engineer, firewarden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Organization of sack companies.

SECTION 7. The common council shall have power to organize a sack company number one to consist of not more than twenty members. Such company shall constitute a part of the fir

department, and shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Beaver Dam, and are hereby vested with all power and authority which is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury of destruction. Said company may from time adopt such by laws and regulations as they may deem necessary, not inconsistent with this act and the laws of the state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Fire limits to be prescribed.

SECTION 8. The common council of the city of Beaver Dam shall have power, for the purpose of guarding against the calamities of fire, to prescribe and limit the height and size of wooden buildings, to be hereafter erected or moved upon any lot or piece of ground within any specified limits in said city, and to prescribe and limit the time within which any wooden building or buildings, other than fire-proof, hereafter erected upon, or moved upon any lot or piece of ground within specified limits, shall remain thereon; and to compel the owner or owners of such building so required to be removed, to remove the same; and if the said owner or owners shall neglect or refuse to remove the same for thirty days after being so required to do, by order of the common council, made and served upon the owner, his agent, or the occupant of said building, to cause

the building to be removed from such lot at the expense of the owner or owners of such building, and to prescribe the mode and manner of compelling said owner or owners to pay the expenses of said removal, and shall have power to cause such building to be sold to pay the expense of such removal and the costs of such sale.

CHAPTER XII.

PROCEDURE FOR VIOLATION OF ORDINANCES, LAWS, ETC.

Violation of ordinances.

SECTION 1. The city of Beaver Dam may sue for and recover any and all penalties, or forfeitures, under the charter of said city, or any amendment thereto or the ordinances, by-laws, police or health regulations, made in pursuance thereof, in the corporate name of said city of Beaver Dam, any general law of the state to the contrary notwithstanding, and such action shall be commenced by complaint, substantially in the following form:

Form of complaint.

State of Wisconsin, }
City of Beaver Dam, Dodge County. } ss.

—— ——, being duly sworn complains on oath, to—— ——, that —— —— did on the —— day of ——, 18—, violate the ——section of an ordinance, by-law or resolution (describing it by its title and briefly setting forth the offense complained of), which said —— —— is now in force, as this deponent verily believes, and prays that said —— —— may be arrested, and held to answer to the said city of Beaver Dam therefor.

Sworn and subscribed to before me this —— day of —— 18—. —— ——.

It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by-law, regulation or resolutions, or of the law violated, in such complaint, briefly setting forth the offense complained of, and said complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of said complaint with the judge or justice having jurisdiction a warrant shall issue thereon substantially as follows:

Form of warrant.

State of Wisconsin, }
City of Beaver Dam, Dodge County. } ss

The State of Wisconsin, to the sheriff or any constable of said county, or to the city marshal of the city of Beaver Dam, greeting:

Whereas, —— —— has this day complained to me in writing on oath that —— —— did, on the —— day of ——, 18—, violate the —— section or sections of an ordinance, by-law, regulation or law (describing it by its chapter or title, and briefly setting forth the offense complained of), which said —— is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said —— —— and him forthwith bring before —— —— to answer to said city of Beaver Dam on the complaint aforesaid.

Given under my hand this —— day of ——, 18—.

—— ——.

The defendant in any such action may be arrested upon service of the warrant or process by which the action is commenced. Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause, as in other cases provided by law. If the cause be adjourned the defendant, if required by the courts so to do, shall recognize with surety for his appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Dodge county, or to the city jail. The complaint made aforesaid shall be the complaint in the action, and the plea of "not guilty," shall put in issue all matters of defense in the action.

Printed copy to be prima facie evidence.

SECTION 2. A printed copy of an ordinance, by-law or resolution, passed by the common council and published in a newspaper, or in a pamphlet, or book form, shall be *prima facie* evidence of its due passage and publication, and that the same is in force, and may be received in evidence. After issue joined, and before trial, in all city cases, the defendant may demand a jury; and if no demand of a jury be made, it shall be deemed a waiver of a jury trial.

SECTION 3. Witnesses and jurors, shall attend

Witnesses and jurors not to be paid in advance.

in all city prosecutions without the payment of fees in advance, upon process of the court, duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept out a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Findings of jury.

SECTION 4. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum shall fix the amount of such fine, penalty or forfeiture as he shall deem best, within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty, the costs, as in actions in justice's courts, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution, of the property of the defendant, as provided by law in civil actions before a justice of the peace.

How execution shall be recovered.

SECTION 5. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Dodge county, for a term not exceeding six months, or in the city jail, not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor, during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Dodge county or, in the city jail, according to the terms of the execution. Such execution may be in the following form:

State of Wisconsin, }
City of Beaver Dam, } ss.
Dodge County. }

Form of execution.

The state of Wisconsin to the sheriff or any constable of said county of Dodge, the city marshal or any policeman of said city, or the keeper of the common jail of said county:

Whereas, the said city of Beaver Dam, on the—— day of ——, 18—, recovered a judgment before the ——, of said ——, against ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation of, here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint. These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —— excepting such as the law exempts, and make sale thereof according to law in such case made and provided, to the amount of said sums together with your fees, and twenty-five cents for the execution; and the same return to me within thirty days; to be rendered to the said ——, for said judgment and costs, and for want of such goods and chattels whereon to levy, to take the body of the said ——, and him convey and deliver unto the keeper of the common jail of said county, who is hereby commanded to receive and keep the ——, in safe custody in said ——, and at hard labor for the term of ——, unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by due course of law.

Given under my hand this —— day of ——, 18—.

——, ——.

Penalties and forfeitures to be paid to treasurer.

SECTION 6. All penalties, forfeitures, fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer, within one month after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer

who shall cause an action to be brought in the name of the city, against the officer and his sureties for the default.

Appeals to be allowed to the county court.

SECTION 7. Appeals shall be allowed in all said cases to the county court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions, may appeal to the county court of Dodge county, by filing an affidavit and bond, and complying with the requirements of appeals in civil cases before justices of the peace; provided, however, that notice of such appeal shall be given within forty-eight hours, and the appeal perfected within ten days from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justices shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justices shall transmit the papers in the case so appealed, with a transcript of his docket, to the county court, within the time and in the manner prescribed in cases appealed from justices of the peace.

Fees to be audited and allowed.

SECTION 8. The jail fees and officers' fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge, and said common council may, by resolution, direct the judge or justice to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such rosolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by indorsement from time to time, before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released, but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

Work to be let by contract to lowest bidder.

SECTION 1. All work for the city or either ward thereof, shall be let by contract to the lowest responsible bidder, unless otherwise ordered by the common council, by ordinance or resolution, and due notice shall be given of the time and place of letting such contract.

Actions to recover penalties.

SECTION 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant as the exigencies of the case seem to require; provided, that nothing contained herein shall be construed as to prevent any peace officer from arresting without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous, or disorderly conduct in the streets or public places, and taking such person or persons forthwith before any justice, or keeping them in confinement, until such time as said justice can reasonably hear and dispose of said offender.

Shall not work incompetency.

SECTION 3. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

In case election is not held when it should be.

SECTION 4. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done

by any officer at any specified time, are not then done or performed, the common council shall appoint another time at which the said acts may be done and performed.

In case judgment be recovered.

SECTION 5. When judgment shall be recovered against the city or against any city officer, in any action prosecuted by or against him in his name of office, when the same should be paid by the city, no execution shall be awarded or issue upon such judgment; but the same, unless reversed, shall be levied and collected as other city taxes are levied and collected, and when so collected shall be paid by the city treasurer to the person to whom it shall be adjudged, upon the delivery of a proper voucher. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution; provided, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

In case suit or action be commenced against city.

SECTION 6. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

Lease and hold personal property.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, may sell and convey the same, and the same shall be free from taxation.

Shall not repeal.

SECTION 8. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Town meetings may be held in city.

SECTION 9. The citizens of the town of Beaver Dam shall have the privilege to hold all town meetings, and all general and special elections at such place in the city of Beaver Dam as they may

determine, and the officers of said town of Beaver Dam may transact all town business in said city, and with like effect as if held or done in the town of Beaver Dam.

No compensation shall be paid to mayor or alderman.

SECTION 10. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city, for his service as such mayor or alderman, except for extraordinary services.

Relating to paupers.

SECTION 11. The paupers of said city shall be removed to the poor-house of the county of Dodge, by the mayor or supervisor of the ward, in like manner, as they are removed from the several towns in said county.

Licenses shall be signed by the city clerk.

SECTION 12. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed by the corporate seal; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which shall be approved either by the mayor or common council, and the sum paid for any such license shall be appropriated as the common council shall direct. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days, and all such licenses shall expire on the first day of July next following the date of their issue.

Penalty for selling on election day.

SECTION 13. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day shall be liable to prosecution under this act or the ordinance of the city, or may be indicted in the circuit court of Dodge county, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Dodge county, not more than thirty days, nor less than ten days, at the discretion of the

court, and the license held by such person shall be forfeited and void.

Money to be deposited before suit is commenced.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deed, and paid by such holder or claimant under such deed except in cases when the taxes are paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section 109, chapter 15, title 5, of the revised statutes.

Use of jail of Dodge county.

SECTION 15. The use of the jail of Dodge county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by the city.

Removal from office.

SECTION 16. All officers of the city, except justices of the peace, may be removed from office for official misconduct by the common council, by a vote of two-thirds of the members thereof, but said officer or officers shall be granted a full and fair hearing before removal.

Opening of streets and alleys.

SECTION 17. Any street, alley, public square or grounds which have been regularly platted and recorded, but have been closed and used for agricultural purposes or otherwise, may by resolution of the common council, be declared as opened for travel and passage, and shall be opened for such

purposes immediately after the passage of such resolution; provided, that no such resolution shall be put into effect between the 20th of March and 20th of November in any one year.

Liabilities for defective sidewalks.

SECTION 18. Whenever any injury shall happen to persons or property in the city of Beaver Dam, by any reason of any defect or incumbrance of any street, sidewalk, alley, or public ground, or from any other cause for which the said city would be liable; and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

REPEALING CLAUSE.

Repealing clause.

SECTION 19. All acts incorporating the city of Beaver Dam and amendatory to the city charter, are hereby repealed; and all acts and parts of acts inconsistent with and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue or in pursuance of the said acts, or any of them, but the same shall exist and be in force, and carried out as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1885.

[No. 133, S.] [Published March 26, 1885.]

CHAPTER 86.

AN ACT to amend chapter 134, of the laws of Wisconsin of the year 1883, entitled, "an act to incorporate the city of Tomah."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 3, of chapter 134, amended.

SECTION 1. Section 3, of chapter 134, of the laws of Wisconsin, for the year 1883, entitled "an act to incorporate the city of Tomah," is hereby amended so as to read as follows: Section 3. The city of Tomah shall be divided into three wards. All that part of said city lying south of the center line of Foster street protracted to the east limits of said city and east of the center of Superior avenue, and of the highway extending along or near the quarter line to the southern limits of said city shall constitute and be known as the first ward. All that part of said city lying south of the center line of Foster street protracted to the west limits of said city and west of the boundaries of the first ward shall constitute and be known as the second ward. All that part of said city lying north of the center line of Foster street protracted east and west to the city limits shall constitute and be known as the third ward.

Section 73, of chapter 134, amended.

SECTION 2. Section 73, of said chapter 134, is hereby amended so as to read as follows: Section 73. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by resolution, ordinance or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bid-

der, and notice shall be given by publication for one week in a newspaper published in said city, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, no such contract shall be let until thirty days after notice shall have been given to such owner or owners either personally or by publication for one week in a newspaper published in said city; provided, further, that the common council may order the whole or any part of the expense of building, rebuilding or repairing any sidewalk to be paid out of the general fund.

Section 75, repealed.

SECTION 3. Section 75, of said chapter 134, is hereby repealed.

Section 54, of chapter 134, amended.

SECTION 4. Section 54, of said chapter 134, is hereby amended so as to read as follows: Section 54. It shall be the duty of the city clerk, immediately on the receipt of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent where less than one-half, otherwise reckoning said fraction as a cent, and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city shall be annexed, substantially in the following form:

Form of warrant.

The state of Wisconsin, to the city treasurer of the city of Tomah, in the county of Monroe:

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named, of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any

person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the sum by distress and sale of the goods and chattels of the person or corporations so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county, on or before the last Monday in January next, the sum of —— for state taxes; you are to retain and pay out as city treasurer, according to law, the sum of ——, and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified, by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, with your doings thereon, as required by law.

Given under my hand and the corporate seal of the city of Tomah, this ——day of ——, 18—.

——— ———,
City Clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1885.

[No. 266, A.] [Published March 20, 1885.]

CHAPTER 92.

AN ACT to amend chapter 174, of general laws of Wisconsin, for the year 1883, entitled, "an act to incorporate the city of De Pere."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1, of chapter 2, of chapter 174, amended.

SECTION 1. Section 1, of chapter 2, of chapter 174, of the laws of 1883, entitled, "an act to incorporate the city of De Pere," is hereby amended so as to read as follows: Section 1. The elective

officers of said city shall be a mayor, treasurer, and assessor for the city at large; three aldermen, one justice of the peace and one constable for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. No person who may have held the office of city treasurer, shall be eligible to such office for the succeeding term thereof.

Section 11, amended.

SECTION 2. Section 11, of chapter 2, of said chapter 174, is hereby amended by striking out the words "city clerk, city attorney," where the said words occur in the second line of said section, so that said section when amended shall read as follows: Section 11. Whenever a vacancy shall occur in the office of mayor, alderman, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Section 1, of chapter 9, amended.

SECTION 3. Section 1, of chapter 9, of said chapter 174, is hereby amended by adding thereto at the end of said section, as follows: The city treasurer shall be accountable for all funds coming into his hands belonging to the school fund of said city, the same as for other moneys of said city. He shall report to the board of education as often as required, and annually on the first Monday of October, a full and detailed account of all receipts and expenditures of the school fund since the date of his last report.

Section 3, of chapter 9, amended.

SECTION 4. Section 3, of chapter 9, of said chapter 174, is hereby amended so as to read as follows: Section 3. The school commissioners shall at their regular meeting in August, in each year, or within thirty days thereafter, elect some suitable person, having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of August, of the year in which he is elected, and who shall hold his office for one year, and until his successor

shall be elected and qualified, unless sooner removed by a two-thirds vote of all members of the board of education, for misconduct or other sufficient cause, and said school commissioners shall fill any vacancy in said office at any regular meeting.

Subdivision 1, of section 7, amended.

SECTION 5. Subdivision 1, of section 7, of chapter 9, of said chapter 174, is hereby amended so as to read as follows: 1. To elect at their regular meeting in August a city superintendent of schools, but if such election shall not then be had, the said superintendent shall be elected within thirty days thereafter.

Section 2, of chapter 11, amended.

SECTION 6. Section 2, of chapter 11, of said chapter 174, is hereby amended by inserting after the word, "law" and before the word "exceed" where they occur in the eighteenth line of said section the words, "shall not," so that said line as amended shall read, "by law, shall not exceed three per centum of the taxable property in said city."

Repealed.

SECTION 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall be in force from and after its passage and publication.

Approved March 18, 1885.

[No. 203, A.] [Published March 26, 1885.]

CHAPTER 97.

AN ACT to amend the charter of the city of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1, of sub-chapter 2, of chapter 238, amended.

SECTION 1. Section 1, of sub-chapter 2, of chapter 238, of the laws of the state of Wisconsin, for the year 1876, entitled, "An act to revise, consolidate and amend an act entitled, 'An act to incorporate the city of Waupaca, as amended by chapter 212, of the laws of the state of Wisconsin, for the year 1881,'" is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, a treasurer, an as-

sessor, a city clerk, and a police justice for the city at large; and two aldermen, one supervisor and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer, assessor, city clerk and supervisor for one year; the police justice. justice of the peace and aldermen for two years, except in the case of the aldermen; there shall be elected at the first general election for city officers after the passage of this act, two aldermen for each ward, one of whom shall be elected for one year and the other for two years by proper designation of the ballot; and at each annual election thereafter, there shall be one alderman elected who shall hold his office for the term of two years. The mayor, assessor, city clerk and police justice, shall be qualified voters and residents of said city, and the aldermen, supervisors and justices of the peace shall be qualified voters and residents of said city, and the aldermen, supervisors and justices of the peace shall be qualified voters and residents of the respective wards for which they are elected.

Amended.

SECTION 2. Wherever in said chapter 238, of the laws of Wisconsin, for the year 1876, being the charter of the city of Waupaca, or any act amendatory thereof, it shall be mentioned that it shall require a majority of the aldermen, or any specified number, to pass any ordinance, resolution or measure, or to approve any act, resolution, by-law or proceeding, when such aldermen are required to act as a body, the same shall be construed and read as requiring a majority of all the aldermen, including the mayor of said city, as provided in this amendatory act; and it shall take a majority of the aldermen, as provided in this act, including the mayor, to constitute a quorum of the common council.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 18, 1885.

aldermen and supervisors shall be qualified electors and freeholders in the city of West Bend. All the other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers except justice of the peace, unless otherwise provided, shall hold their offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for cause, to expel any of its own members, except the mayor, and to remove from office any officer or agent, under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified; provided, however, that no person shall be eligible to the office of treasurer of the city for two successive years.

Vacancies how filled.

SECTION 7. Whenever a vacancy shall occur in the office of mayor, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur; any vacancy in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities, as the person whose office he shall be elected or appointed to fill.

Elections shall be by ballot.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal and the highest number of votes for the same office the election shall be determined by casting lots in the presence of the common council and in such manner as it shall direct.

Qualified electors.

SECTION 9. All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election, and who are actual residents of the city of West Bend, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at the city elections.

First election when held and manner of holding the same.

SECTION 10. The first city election for said city of West Bend, for the election of city officers, shall be held in the respective wards of said city

on the first Tuesday of April, 1885. The election for the first ward shall be held at the public school-house situated therein. And the election for the second ward shall be held at the public school-house situated therein. At the time of opening the polls at each ward, the electors present shall choose, *vica voce*, from the qualified electors present, three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall before entering upon the duties of their offices take and subscribe the oath required of inspectors and clerks of general elections. Six days previous notice of the time and place of holding such first elections, shall be given, signed by the village clerk of the village of West Bend, which notice shall be posted in three public places in said city.

Illegal voting how punished.

SECTION 11. If either of the inspectors of election at any charter election shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by any elector, the inspector before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear or affirm that you are twenty-one years old; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are an actual resident within this ward and that you have not voted at this election, and that you have made no bet or wager, depending on the result of this election. Which oath any member of the board of inspectors is hereby authorized to administer, and if the person so offering to vote, shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum, not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors of elections to keep a list of the

names of all persons whose votes may be challenged, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful conduct of clerk or inspectors of election, shall be the same as that provided by statute of this state, for similar conduct at any general election.

The counting of votes how conducted.

SECTION 12. When the polls of any election shall be finally closed, the inspectors shall proceed to count and canvass the votes, one box being completed before another is opened, and shall make a return of the number of votes for each and every office, and the number of votes for each and every person for each and every office, and shall declare the result and who are elected as aldermen and supervisors; and they shall deliver such return to the city clerk within four days after such election, who shall lay the same before the common council, which shall declare the result of the same; provided, however, that at the first election under this charter the said two boards of inspectors shall, after canvassing the votes in their respective wards and declaring the result, meet together and decide and declare the result and make a statement thereof under their hands, which said statement shall be filed in the office of the said village clerk within three days after such election. In all cases of election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the time for which he was so elected or appointed and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace, or city marshal, shall be elected, the clerk shall forthwith give notice thereof, in writing, to the clerk of the circuit court for Washington county, giving both the names and terms for which elected, and upon the election of mayor or treasurer, the clerk shall give like notice to the county clerk of said county, and those county officers upon receiving such notice, shall file the same in their respective offices.

SPECIAL ELECTIONS.

SECTION 13. Special elections to fill vacancies or for other purposes, shall be held and conducted in the same manner and upon the same notice, and the returns thereof shall be made in the same manner and form as regular elections, and within such time as may be provided by the common council; provided, however, that after the first election of officers under this charter the aldermen and supervisors for the respective wards shall constitute the board of inspectors for such wards, and may choose one of their number chairman, and any two electors of such wards as clerks of election; but this provision shall not apply to general elections, nor to charter elections at which judges of courts of record are to be elected, but such elections shall be conducted in the manner provided by the laws of this state; provided, that the voters of the city of West Bend shall be entitled to cast their votes in the judicial election to be held on the first Tuesday in April, 1885, at the voting places for said city herein before designated. Special elections.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after his election or appointment, to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. What is deemed a vacation in office.

SECTION 15. The term of every officer elected under this act, shall commence on the second Tuesday in April of the year for which, and in which, he shall be elected. When term of office shall commence.

SECTION 16. The annual election of officers under the provisions of this act, shall be held on the first Tuesday in April. The election of justices of the peace shall be held at the same time and place, and one justice of the peace shall be elected each year for the term of two years, and the justices of the peace now residing in, and holding their offices within the limits of and in and for the village of West Bend, shall hold their offices until their terms expire, as and for justices of the peace of the city of West Bend, with all the powers and duties pertaining to said office. Annual election when held.

In case of failure to elect.

SECTION 17. Should there be a failure to elect any officers herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Shall take and subscribe the oath of office.

SECTION 18. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, marshal and such officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices execute to the city of West Bend, a bond with two sureties in such penal sum and with such conditions as the common council shall prescribe, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove any officer refusing or neglecting to give the same.

Duties of the mayor defined.

SECTION 19. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer of the city, and the head of the police of the city; and in case of riot and other disturbances, or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall have a seat and vote in the common council, and shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The common council shall, at its first regular meeting, after its election, choose one of the aldermen as president of the board of aldermen, who in the absence of the mayor, shall act as mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of the mayor, and when acting as such shall be styled "acting mayor." In the absence of both mayor and president, the common council may choose one of its number to preside.

SECTION 20. The supervisors shall represent

their respective wards in the county board of supervisors, and also act as members of the board of inspectors of election in their respective wards at charter elections. No supervisor shall receive any compensation from the city for any of his services. What wards supervisors shall represent.

SECTION 21. The city clerk shall perform all the duties required of him by law, and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same power that town clerks possess by law to issue transcripts from the records of his office, and they shall when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of the town clerk; and the said clerk shall possess authority to administer oaths. He shall receive such compensation as the common council shall provide by ordinance or resolution. Duties of city clerk.

SECTION 22. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace in towns, under the general laws of the state of Wisconsin, and shall be subject to the same liabilities and have in addition thereto, jurisdiction of all offenses against the provisions of this charter, and the ordinances and police regulations of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreement required to be given by them, shall be approved by the common council of said city. Duties of justices of peace.

SECTION 23. The city treasurer shall perform all the duties required of him by law; collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received, Duties of city treasurer.

and all moneys paid out by him, and the same shall, at all times, be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same were paid, and also of all moneys by him paid out. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, and all license moneys, including license moneys for the sale of intoxicating drinks, shall belong to said city, and shall be paid into the treasury thereof, and be part of the general fund. All moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned by the city clerk. The treasurer shall have the same power, and be subject to the same laws and liabilities, and governed by the same laws, as treasurers of towns in the state, except as changed by this charter, but he shall receive no other fees, except the compensation hereinafter provided.

Duties of marshal defined.

SECTION 24. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the peace, and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city, or the laws of this state, and within reasonable time bring such person before competent authority for examination or trial, and for such service he shall receive such compensa-

tion as the common council shall determine. He shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all powers and authorities, and be subject to the same liabilities as the marshal.

Penalty for failure to deliver to successor.

SECTION 25. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same, and such successor may recover possession of such books, papers and effects in the manner prescribed by the law in this state.

Shall not be interested in any job.

SECTION 26. No mayor or alderman shall be a party to or interested in any job or contract with the city, or any job or contract in which they, or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the city may sue for and recover back the amount so paid from the parties to such contract and the mayor or aldermen interested in the same.

Officers of the peace.

SECTION 27. The mayor, each and every alderman, justices of the peace, marshal, deputy marshal, policeman, watchman and constable of said city, and the sheriff of Washington county and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior within the limits of said city, and for that purpose may command the assistance of all bystanders, and if any person, bystander or private citizen shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five dollars nor more than fifty dollars.

Justices to account for fines.

SECTION 28. Every justice of the peace shall account for and pay over to the treasurer of said city all fines and penalties collected by him and

belonging to said city within ten days after receiving the same, and take his receipt for the same in his docket. Said justices shall be entitled to receive in all cases had before them in which the city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases.

Duties of assessor.

SECTION 29. The assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive as compensation therefor such sum as the common council shall prescribe.

STREET COMMISSIONER.

Street commissioner.

SECTION 30. The street commissioner, before entering upon the duties of his office, and within ten days after his appointment shall execute a bond to the city of West Bend, with sureties, conditioned for the faithful discharge of the duties of his office, and to pay over to his successor, on demand, all moneys which may remain in his hands as such street commissioner, in such penal sum and with such further conditions as said common council shall at the time of his appointment prescribe; said bond to be approved by the common council and to be filed with the city clerk.

Duties of street commissioner.

SECTION 31. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning or closing of sidewalks, cross walks, streets, bridges, alleys, public grounds, gutters, sewers and water in said city are duly observed and kept, and he shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, subject to the order and under the advice and direction of the common council, and shall receive therefor such compensation as the common council shall prescribe.

Further duties.

SECTION 32. The said street commissioner shall proceed and collect the said highway taxes on his tax list in the same manner and with the same authority in all respects except as herein other-

wise modified as is prescribed for, and govern overseers of the several towns of the state by the general laws thereof. But the said street commissioner shall keep an accurate account of the collection of said taxes in a book to be provided by said common council, stating therein the name of each person who pays such tax against him, the date when paid in money, and the amount paid in labor, and by whom; which books shall be held for the inspection of the street committee, or of said council or any other citizen of the place at any and all reasonable times, and shall also be returned by said street commissioner and filed in the clerk's office of the city at the time he rendered his annual account to the common council in March of each year. The street commissioner shall notify, or cause to be notified by his assistant commissioners, in case he has such, as many persons residing as near the work to be done, as he conveniently find them, and as many as he may judge he can profitably employ on the streets at any time he shall choose to work, and have a proper proportion of teams, shovelers or others which he may need, suitable to the work to be done; and all the prices shall be regulated by the usual prices paid in and about the city for like services or usages in such year, and in case any dispute shall arise as to what they are, the common council shall determine and settle them by resolution.

COMMON COUNCIL.

Common council.

SECTION 33. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services. The style of all ordinances shall be, "The common council of the city of West Bend do ordain," etc. A majority of the members of the common council shall constitute a quorum, but a less number may adjourn from time to time.

First annual meeting when held.

SECTION 34. The common council shall hold its first annual meeting in each year on the second Tuesday in April, and thereafter at such times as they shall appoint. The mayor may call special meetings by notice to each of the members personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and have power to compel

the attendance of absent members by fine or otherwise.

Street commissioner to be appointed.

SECTION 35. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner for said city, and one assistant in each ward, if the common council shall deem it necessary, who shall hold the office for one year, and until their successors are appointed, unless sooner removed as herein provided for, and whose duties and liabilities shall be as hereinbefore provided.

Control and management of finances.

SECTION 36. The common council shall have the control and management of the finance and of all the property of the city, and shall likewise, in addition to the power herein vested, have power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade and commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to have the force of laws, provided they are not repugnant to the constitution and laws of the United States, or of this state.

Power to grant licenses.

SECTION 37. The common council shall have the power to license and regulate the exhibitions of common showmen and shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the minimum nor more than the maximum amount per annum, established by the general laws of the state of Wisconsin, and that al

such licenses hereafter granted, shall run from the first day of May of each year; provided, however, that when any license may be applied for after that date, the same may be granted, to expire on the first day of May of each year, the applicant paying *pro rata* therefor; but no license shall be granted for a longer time or period than one year.

Gambling and fraudulent devices.

1. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance with betting and to restrain, prohibit and suppress any person or persons from vending or giving away, or dealing in, spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Blowing of steam whistles.

2. To prevent or regulate the blowing of steam-whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling.

Unwholesome places.

3. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health comfort and convenience of the inhabitants of said city.

Location and management of slaughter houses.

4. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use, and occupation of the same, when offal or filth therefrom shall discharge into the waters of the rivers, streams, ponds or sloughs.

Incumbering streets.

5. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Horse racing.

6. To prevent horse racing and immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Estrays.

7. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

8. To prevent the running at large of dogs and

to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses.

9. To prevent persons from bringing, depositing or having within said city any putrid carcasses, or unwholesome substances, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish hides or skins of any kind, or on default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Pound, hacks and lighting streets.

10. To establish and make public pounds, pumps, wells, cisterns and reservoirs for the city; to regulate and license hacks, cabs, drays, carts and charges of drivers of the same, and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health.

11. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public uses from taxation.

Driving on sidewalks.

12. To prevent all persons riding or driving any horse or mule, or any other animal, on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.

Shooting of fire-arms.

13. To prevent shooting of fire-arms or firecrackers and to prevent the exhibition of any fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards.

14. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors.

15. To restrain and regulate runners and solicitors for stages, cars, public-houses and other establishments.

Government of police.

16. To make rules, regulations and ordinances, for the government of the police of the city.

Markets.

17. To establish public markets, and make rules and regulations for the government of the same; and to punish and restrain all persons for attempting to interfere or interfering with the due observance of such rules and regulations. To

license and regulate butcher's stalls, shops, stands for the sale of game, poultry, meat, fish and other articles.

Weighing and selling hay.

18. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime and other gross commodities.

Removal of snow and rubbish.

19. To compel owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his or her default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Infectious or contagious diseases.

20. To regulate, control and prevent the stopping and removal from carriages of common carriers, or any vehicle whatever, any person or persons afflicted with any infectious or contagious diseases or disorders, and to make such disposition of any person or persons so afflicted as to best preserve the health of the city.

Watchmen and their duties.

21. In cases of emergency, in the discretion of the common council, to appoint watchmen, and prescribe their duties.

Weights and measures.

22. To provide by ordinance for a standard of weights and measures.

Protect monuments.

23. To protect trees and monuments in said city.

Bridges and culverts.

24. To prescribe and regulate the construction of bridges, culverts and sewers within said city.

Highways.

25. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and sidewalks, and to keep them free from any incumbrances and to protect them from injury.

Change the name of streets.

26. To change the name of any street in said city.

School district boundaries.

27. To consolidate or change the boundaries of school districts in said city, under the same restriction, and with the same power, as is now conferred on town boards under the general laws of the state.

Ordinances and police regulations.

28. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state,

necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Law suits.

29. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ council therefor.

Purchase and hold real estate.

30. To receive, purchase and hold for the use of the city, any estate, real or personal, and to sell, lease and convey the same.

Special elections.

31. To call a special election for the purpose of raising a tax, when in their opinion, the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements.

Grades of streets.

32. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed in the manner which the common council shall prescribe.

Fire department.

33. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such officers for such department as they shall see fit, and to define their powers and duties; to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for extinguishing of fires, and by the erection of pumps and the construction of water mains, reservoirs, or other water-works; to erect engine-houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them, who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder, and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of, and cleaning of chimneys; to prevent bonfires, and the use of fire-works and fire-arms in the city, or any part thereof; to authorize fire-wardens, at all reasonable times, to enter into and examine all dwellings, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to

cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires, as may be necessary and proper; and to declare by ordinance the punishment for the violation of any such ordinance or regulation.

Preservation of bridges.

34. To make from time to time such by-laws and ordinances as it may deem necessary for the preservation of bridges now erected or hereafter erected over any stream or pond in the city of West Bend, and enforce the same by adequate penalties.

Street commissioner.

55. To appoint one street commissioner, and one assistant for each ward in said city, and to remove them at pleasure, whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day.

Remove from office.

36. To remove at pleasure any officer of said city appointed by the common council pursuant to this act.

Prescribe fines and penalties.

37. To prescribe fines and penalties for the violation of any ordinance, by-laws, or police regulation, to be not less than one dollar nor more than two hundred dollars, in any case, besides the cost of the suit in all cases; and in default of payment to provide for committing the person convicted to the watch-house or lock-up, of the city, or to the county jail until payment be made, but not to exceed ninety days in all in any one case.

Surveys to be made.

38. To cause a new and accurate survey to be made of all the lots in said city according to the deeds thereof, and of the streets, alleys, public grounds or other places, and to cause to be established permanent land marks or monuments of said survey in said city.

Planting of trees.

39. To provide for the planting, pruning and protecting of shade trees in and about the streets.

Ordinances—how passed.

SECTION 38. All laws, ordinances, regulations, and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in the city of West Bend, before taking effect; and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respect-

ively within the same time shall be proved by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to the lowest bidders.

SECTION 39. All printing and publication required by this act, or by the common council shall be let to the lowest bidder therefor; provided such bid shall not be higher than the legal rates. Such bidder shall be an actual resident of the city of West Bend, and shall be required to give bonds with such conditions and sureties as the common council shall determine and require.

Shall not bar or hinder suits.

SECTION 40. The power conferred upon said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, houses or places where spirituous, vinous or fermented liquors are sold without the licenses required thereof, houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Examine and adjust accounts.

SECTION 41. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as they may deem proper; also at the end of each year and before the time for which the officers of said city are elected or appointed, shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their account, or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the council shall order suits and proceedings at law against any such officer or person or agent of said city, who may be delinquent or defaulting in his accounts, or discharge of his

official duties, and shall make a full record of all such settlements.

Control of funds in the treasury.

SECTION 42. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding debt of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Annual tax levy.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy in any one year a tax of more than one cent on the dollar of the assessed valuation of the taxable property of said city, nor more than three mills of which shall be a highway tax, unless authorized to raise a greater sum by a majority vote of the electors of said city, at a general or special election.

Power to issue bonds.

SECTION 44. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and no bonds shall be issued to aid the construction of a railroad until the proposition for their issue shall have been submitted to the electors of the city, and adopted by a majority voting thereon; nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Verifying accounts.

SECTION 45. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Accounts disallowed.

SECTION 46. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city.

Annual report of receipts and disbursements.

SECTION 47. The common council shall annually, on the second Tuesday next preceeding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and cause the same to be published in a newspaper published in said city before the annual election.

Power to lay out streets, alleys.

SECTION 48. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in the city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week.

Application to be made to a court commissioner.

SECTION 49. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Washington for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take

the same for the purpose specified in said petition.

Twelve freeholders to be appointed.

SECTION 50. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders of said city, not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept and to make returns under their hands to the common council whether, in their judgment, it is necessary and proper to take such premises, for the purpose specified in said application; and the said jurors before entering upon the discharge of their duties shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the clerk.

City marshal to serve precept.

SECTION 51. The city marshal shall serve the said precept immediately on the jurors named therein by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed can not be found, or shall be disqualified from acting or shall be excused from acting by the said commissioner, the court commissioner shall appoint others, to be summoned in like manner, in their places, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to view the premises.

SECTION 52. The said jurors at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question, and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the com-

mon council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors within twenty days thereafter, to again view the premises and ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the twenty days, such damages to the common council, who shall enter an order confirming the same.

Value of buildings to be estimated.

SECTION 53. If there should be any building in whole or in part, upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Ten days' notice to be given to owner.

SECTION 54. At least ten days' notice of such determination, shall be given to the owner or his agent, if known, and a resident of the city, if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election, to the common council, either to accept the award of the jurors, and allow such buildings to be taken with the land appropriated, or of their intention to remove such building, and he shall have such time to remove such building as the common council shall allow.

In case the owner shall refuse to take the building.

SECTION 55. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner, or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in them less than an estate in fee, the injury done to such person or interests respectively, shall be awarded to them by the jurors.

SECTION 56. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages, to the circuit court of Washington county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner. Award to be signed by jurors.

SECTION 57. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled thereto, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered, or deposited, as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void. Lands shall not be appropriated until damages are paid.

SECTION 58. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or other person under legal disability, having no general guardian, the county judge of Washington county, on the application of the mayor of the city, or such party, or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile In case of infant.

thereof to be made and filed in the office of the city clerk.

All property to be subject to taxation.

SECTION 59. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act, shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of the assessment roll, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may, from time to time, deem advisable. When the assessment roll shall be completed the assessor shall return the same to the board of equalization of the city, the board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted, in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall in addition to the taxation of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or any informality in assessing or levying said tax, or conveying said land, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied in such manner as it shall direct by ordinance.

Board of equalization.

SECTION 60. The mayor, treasurer, assessor and clerk shall constitute the city board of equalization, and shall meet on the first Monday of July in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are

required by law to proceed, as far as the law is applicable to them, revising, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board, and the city clerk clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization, shall be recorded by the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic, assessed for personal tax, from the delivery of the warrant for collection thereof, until paid.

Duty of city clerk in regard to the roll.

SECTION 61. It shall be the duty of the city clerk, immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of one cent when less than one half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to such assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The state of Wisconsin, to the city treasurer of the city of West Bend in the county of Washington: You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite their respective names, and to the several

parcels of land therein described; and in case any person or corporation, upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Washington, on or before the last Monday in January next, the sum of ——— for state taxes; and the further sum of ——— for county taxes, and the balance of the money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the county of Washington.

Given under my hand and the corporate seal of the city of West Bend, this —— day of ——, ——.

——— ———,
City Clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to govern.

SECTION 62. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of the town treasurer to collect taxes except as herein provided.

Public notice to be given.

SECTION 63. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three writ-

ten or printed notices in as many public places in said city.

Treasurers' fees.

SECTION 64. The treasurer shall collect as fees for the collection of taxes one and one half of one per cent. on all taxes collected by or paid to him on or before the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him upon after said day, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods on execution.

State tax.

SECTION 65. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer, the state tax assessed upon the property in said city.

In case of delinquent taxes.

SECTION 66. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts or in addition thereto.

Relief of poor.

SECTION 67. The laws of the state for the relief and support of the poor shall apply to said city in the same manner as if it were a town.

School district.

SECTION 68. All of the district of country within the corporate limits of the city of West Bend shall be one school district, and be known and designated as school district number one of the city of West Bend, subject to alteration by the common council of said city, as hereinbefore provided, and shall be subject to the control and supervision of the present school district board of the present school district number one of the village of West Bend, in the same manner as if this act had not been passed; and the same relation shall be sustained between said city and said schools and Washington county, as near as may be, as between towns and schools and the counties in which the same are situated.

To sue in the corporate names.

SECTION 69. The city of West Bend, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures, under this charter; and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstand-

ing, and all such prosecutions shall be commenced in the name of the city of West Bend, and shall be conducted in the same manner, and the same proceedings shall be had, as in civil actions in justice's courts, including the right of either party to appeal, except as herein otherwise provided; and it shall be lawful to complain generally in debt for such penalty or forfeiture, stating the section of the act, or the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as hereinafter prescribed, and when commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Washington, } ss.
City of West Bend. }

The State of Wisconsin, to the sheriff or any constable of said county, or the marshal of the city of West Bend: You are hereby commanded to summon ——— ——— to appear before the undersigned, a justice of the peace in and for the city of West Bend, on the ——— day of ——— , 18—, at ——— o'clock in the ——— noon, to answer to the city of West Bend, to the damages of said city, two hundred dollars or under.

Given under my hand, this ——— day of ———, 18—.

———— ———, Justice of the Peace.

When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

City of West Bend } In Justice Court.
against } County of Washington.
A. B. } Before C. D.,
Justice of the Peace.

The plaintiff complains against the defendant, that on the —— day of ——, at the said city, the defendant did violate section —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title, which said —— is now in force. By reason of such violation, an action has accrued to the city of West Bend, to recover of the defendant the sum of —— dollars, wherefore the plaintiff demands judgment

against the defendant for the sum aforesaid, beside the costs of this action. In all cases where a warrant is desired, the complaint shall be made on oath by the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

City of West Bend, In Justice Court.

against A. B. } County of Washington.

—— —— being duly sworn, complains on oath to C. D., a justice of the peace of the city of West Bend, in said county, that A. B., on the —— day of ——, at said city, did violate section —— of this act, or section ——, of chapter ——, of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title, as this complainant verily believes, and prays that said A. B. may be arrested, and held to said city of West Bend therefor.

Subscribed and sworn before me this —— day of ——.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

County of Washington, } ss.
City of West Bend, }

Form of warrant.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of West Bend:

Whereas, —— —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, at said city, did violate section —— of this act, or section —— of chapter —— of this act, or section —— of an ordinance, by-law or regulation of said city (describing it by its title), therefore you are hereby ordered to arrest the body of said A. B., and bring him before me forthwith, to answer to said city of West Bend on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court, shall recognize, with security to be approved by the court, for his appearance, in such sum as the court may direct, and in default may be put in charge of the officer who made the arrest, or be committed.

Printed ordinance to be prima facie evidence.

SECTION 70. A printed copy of an ordinance, by-law or regulation passed by the common council and purporting to be published by its authority as certified by the clerk of said city so to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses shall attend without fees.

SECTION 71. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

City prosecution—the answer.

SECTION 72. In city prosecutions, the answer of "not guilty" shall put in issue all the subject matter embraced in the action, and the finding of the court or jury shall be "guilty" or "not guilty," If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for cost of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of the judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justice's court, in case the action was commenced by summons or a commitment in case in was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Shall not be incapacitated as witnesses.

SECTION 73. No person shall be incapacitated or excused from testifying in any offense committed against the provisions of this act or any ordinance of the city of West Bend, by reason of his or her being implicated in such offense but the testimony of such witness shall in no case be used against such witness.

Shall not work incompetency.

SECTION 74. No person shall be an incompetent witness, judge, justice or juror, by reason of his being an inhabitant of said city, in any proceed-

ing or action in which the city shall be a party in interest.

Personal property.

SECTION 75. No real or personal property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of West Bend.

Penalties shall not be remitted.

SECTION 76. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of all the members of the common council.

City may purchase and hold property.

SECTION 77. The said city may have, purchase and hold real and personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of the state.

Respecting deeding property.

SECTION 78. When the city of West Bend deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of West Bend, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases shall be signed by the mayor and clerk.

SECTION 79. Deeds or leases executed by the city shall be signed by the mayor and clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution authorizing the same by the city council, which said corporate seal shall also be attached to said deed or lease, and the certified copy of such ordinance or resolution, when so attached shall be recorded with such deed or lease by the register of deeds, and such copy, when so attached, and the record thereof shall in all courts of this state, be *prima facie* evidence of the authority of the mayor and clerk to execute such deed or lease.

In case there is a failure to hold election.

SECTION 80. If any election by the people or common council shall, for any cause, not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election or organization may be held at any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city to be done by any officer, at any specified time, are not then per-

Printed ordinance to be prima facie evidence.

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In case there is a failure to hold election.

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formed, the common council may appoint another time at which said act may be done.

Does not repeal or modify.

SECTION 81. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth.

Levy poll taxes.

SECTION 82. The common council shall levy the same poll tax as is or may be required by the general law to be levied in towns, and the general laws relative to the collection and expenditure of poll taxes and of highway taxes in towns shall, as far as applicable, govern the collection and expenditures thereof in said city.

City shall be regarded as a town for equalizing purposes.

SECTION 83. The board of supervisors of the county of Washington shall regard the city of West Bend as a town in equalizing the assessment rolls of the several towns in said county, as provided for by law, and shall receive the supervisors whose election is, or may be provided for by this act or any act amendatory thereof as members of the county board. The said board of supervisors may levy tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks.

Copy of assessment roll to be transmitted to county clerk.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Washington, and by the time required by law for the return of the assessment roll from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by the towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Sale of delinquent lands.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of West Bend, at the same time and in the same manner as other delinquent lands are sold in the county.

Duty of county treasurer as regards sale of delinquent lands.

SECTION 86. It shall be the duty of the county treasurer of the county of Washington, where lots, tracts, pieces or parcels of lands have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of

land by him, to pay such city treasurer the amount which may have been returned delinquent, belonging to the city of West Bend, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

Use of county jail.

SECTION 87. The use of the jail of Washington county shall be granted to the city of West Bend, until otherwise provided, for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, who shall be responsible for the safe keeping, custody and delivery of said offender as in other cases.

Connection between village and city to cease.

SECTION 88. From and after the first Tuesday in April, 1885, the connection between the village of West Bend, and the town of West Bend, and all that part of the same included within the limits of the city of West Bend, shall be dissolved; and all that part of the town of West Bend not included within the limits of the city of West Bend, shall constitute the town of West Bend, and continue as a body corporate, as though this act had not been passed.

Present village officers to continue in office.

SECTION 89. The present village officers of the village of West Bend shall continue in office retaining all of the powers and duties pertaining thereto under and by virtue of the charter of said village of West Bend, and the laws of this state, until the officers of the city of West Bend shall be elected and qualified.

Successors in office.

SECTION 90. The city treasurer and clerk elected under this charter on the first Tuesday of April, 1885, shall be considered the successors in office of the village treasurer and clerk of the present village of West Bend, and shall be authorized to demand and receive of their predecessor in office all the moneys, books, papers and other personal property belonging to said village of West Bend, remaining in their hands.

Real estate subject to special assessments.

SECTION 91. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes or assessments which become, or shall be chargeable against particular property as provided by this act.

Compensation for city officers.

SECTION 92. The city officers whose compensation is not herein provided for, shall receive as compensation for their services such sum as the common council shall determine. No such officer

shall receive a higher or lower compensation than his predecessor, unless such increase or reduction of his compensation shall have been determined by the city council before the election or appointment of such officer; and in case of an officer elected or appointed to fill vacancy, he shall receive the same *pro rata* compensation that his predecessor would have received.

All village ordinances to remain in force until repealed.

SECTION 93. All ordinances and by-laws now in force under and by virtue of the village charter of the village of West Bend, shall remain in full force and effect as by-laws and ordinances of the city of West Bend, until specially repealed, modified or amended by the common council of the city of West Bend.

Powers of council.

SECTION 94. The mayor and common council of the city of West Bend shall possess all the powers and shall exercise all the duties vested in town boards of supervisors of this state for all purposes whatsoever, except as otherwise provided for by this act.

Village property to be vested in city.

SECTION 95. All the property, both real and personal, and all claims, credits or choses in action, now due or to become due to the village of West Bend, shall on and after this act takes effect, belong to and become the property of the city of West Bend, and from and after the said time, all rights, claims, credits, and choses in action now existing against said village of West Bend, shall be paid by the city of West Bend.

Public act.

SECTION 96. This act is hereby declared a public act, and shall be liberally construed in all courts.

SECTION 97. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1885.

[No. 427, A.] [Published March 24, 1885.]

CHAPTER 105.

AN ACT to incorporate the city of River Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate name and boundaries.

SECTION 1. All the district of country in the counties of Pierce and Saint Croix contained within the boundaries hereinafter described, from and after the first Tuesday of April, 1885, shall be a city by the name of River Falls, and the people now inhabiting said district shall be a municipal corporation, the name of which shall be the city of River Falls. Said corporation shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts, and shall have a common seal and may change the same at pleasure.

CITY BOUNDARIES.

City boundaries.

SECTION 2. All of section number one, and the north half of section number twelve, in township number twenty-seven north, of range number nineteen west, and the west half of section number six, in township number twenty-seven north, of range number eighteen west, in the county of Pierce, and the south half of the southwest quarter of section number thirty-one, in township number twenty-eight north, of range number eighteen west, and the south half of the southwest quarter and the south half of the southeast quarter of section number thirty-six, in township number twenty-eight north, of range number nineteen west, in the county of Saint Croix, and state of Wisconsin, shall be included

in and constitute the limits of the city of River Falls.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The said city shall be divided into four wards, the boundaries of which for the present, and until changed as hereinafter provided, shall be as follows, to wit: All that portion of said city lying north of the north line of township number twenty-seven north, in the county of St. Croix, shall constitute the first ward. All that portion of said city lying south of the north line of township number twenty-seven north, and north of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and of section number six in township number twenty-seven north, of range number eighteen west, and east of the north branch of the Kinnickinnic river, shall constitute the second ward. All that portion of said city lying south of the north line of township number twenty-seven north, and west of the north branch of the Kinnickinnic river, shall constitute the third ward. All that portion of said city lying south of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and section number six in township number twenty-seven north, of range number eighteen west, to the junction of said quarter-line with the center of Kinnickinnic river, thence following the center of said stream down to its intersection with the west line of said section one, shall constitute the fourth ward. But the common council shall have power to change said lines of divisions as they may deem convenient or proper, when duly authorized by an affirmative vote of the electors of said city.

COMMON COUNCIL.

Common council.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of one member from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are here-

inafter mentioned or may be created under this act.

ELECTIVE OFFICERS.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, and one justice of the peace to be elected by the city at large, and from each ward, one alderman, one justice of the peace, one supervisor to represent his ward in the county board of supervisors of his county and one constable. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless elected to fill vacancy, hold their respective offices for one year, or until their successors are elected and qualified; provided, however, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except a justice of the peace, due notice and opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Officers to be elected.

SECTION 6. The council shall at their first meeting after the charter election, appoint a city clerk, a marshal, and a street commissioner and such other officers as they may deem necessary to appoint. Should the common council fail to appoint any officers at such meeting it may appoint such officers at a subsequent meeting. The common council shall at such first meeting, fix the compensation of any officer of the city whose salary or fees have not been otherwise provided for.

ANNUAL ELECTIONS.

Annual elections.

SECTION 7. The qualified voters of the city of River Falls shall hold an election on the first Tuesday in April of each year, for election of city and ward officers herein designated, and shall be presided over by the inspectors of election, appointed under the general laws of this state, who

shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election, shall direct and return one of the said returns to the city clerk of the city of River Falls, and the other to the county clerk of the county in which his election district is situated. The mayor of the city and members of the common council shall constitute a board of canvassers, who shall, within three days after such election, meet at the council chamber and canvass such returns; and after the aforesaid returns shall have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The poll shall be kept open in the respective election districts from nine o'clock in the forenoon until five in the afternoon, but an adjournment may be made from twelve o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. Said election shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state; for the purpose of holding city and general elections in said city, the city shall be divided into two election districts, one of said districts to comprise all that portion of the city lying in St. Croix county, and to be known as the first election district, and the other election district to comprise all that part of the city lying in Pierce county, and to be known as the second election district, and the common council shall designate a polling place in the First ward for the first election district, and a polling place in the Second ward for the second election district; at all city elections there shall be three ballot boxes for the second election district, one for each ward there voting, with the number of the ward plainly marked thereon and the votes of the electors of each ward shall be deposited in the ballot box for such ward; and a separate poll list shall be kept of the voters of each ward. There shall be three inspectors of election, one from each ward, and three clerks,

one from each ward. Each inspector shall have the immediate charge of the ballot box of his ward, and the clerk from such ward shall keep the poll list of such ward, but such inspectors shall act together in any question which may arise. At general elections one ballot box only shall be kept for such general election in such second election district.

QUALIFIED ELECTORS.

Qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in any ward in said city ten days prior to an election, shall be deemed qualified electors for such ward at such election. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

SPECIAL ELECTIONS.

Special elections.

SECTION 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided, however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the place where the election is to be held, and the inspectors of election and the clerks therefor.

Elections shall be by ballot.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council may be *viva voce*, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

In case of vacancy.

SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common coun-

cil. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

What is deemed vacation in his office.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

OFFICERS—THEIR POWERS AND DUTIES.

Officers—their powers and duties.

SECTION 13. Every person elected or appointed to fill any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of River Falls a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under

this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bond shall be approved by the council. The justices of the peace elected by the city at large shall also have civil and criminal jurisdiction co-extensive with the limits of the counties of Pierce and St. Croix, in this state, and shall also have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, to which the city may be a party, cognizable before a justice of the peace; he shall be entitled to receive for his services the same compensation and fees as is allowed by law to justices of the peace for similar services, and no other. All constables elected under this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns. Any justice of the peace elected under this act may hold his office in any part of said city within the county in which he resides.

Duties of mayor.

SECTION 14. The mayor shall, when present, preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the council information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When presiding over the council his style shall be, "Mr. President."

Election of president.

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the council, and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president

shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor shall be styled acting mayor, and any acts performed by him shall have the same force and validity as if performed by the mayor; but the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Duties of city clerk.

SECTION 16. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his business to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and shall keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations. The salary of the city clerk shall not exceed two hundred dollars per annum, payable quarterly.

Duties of treasurer.

SECTION 17. The treasurer shall perform such dnties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of the state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the council shall direct. He shall report to the council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be

subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The treasurer shall receive for his compensation the same fees that are allowed to town treasurers by law.

Duties of assessor.

SECTION 18. The assessor shall assess all the taxable property of the city of River Falls as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as may be determined by the common council.

Duties of marshal.

SECTION 19. The city marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constable of towns in Pierce and St. Croix counties, and may serve all lawful process directed to him, or to the sheriff, or any constable of the said counties, and be subject to the same liabilities. He shall execute and return all writs and process to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time bring such person before competent authority, for examination, and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved and affirmed by the council, but for whose official act he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

SECTION 20. The common council shall have

Power of council.

power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers appointed by them where the compensation is not fixed by the statutes or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the clerk, treasurer, marshal and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor.

Official newspaper.

SECTION 21. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, in which shall be published all ordinances and other matters required by this act, or the by-laws or ordinances of the city to be published in a newspaper.

Duties of city printers.

SECTION 22. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Penalty for failure to deliver to successor.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars besides all damages caused by his neglect or refusal so to deliver, and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be interested in any job.

SECTION 24. No alderman shall be a party to or interested in any job or contract with the city;

and any contract in which an alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same, or either or any one of them. Provided, however, that this section shall not prevent the council from leasing any of the public grounds of the city in such manner and to such parties as it may see fit to do.

Suppression of riots.

SECTION 25. The mayor, or acting mayor, sheriffs of Pierce and St. Croix counties, and each and every alderman, justice of the peace, marshal, constable, and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

COMMON COUNCIL.

Common council duties.

SECTION 26. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of River Falls do ordain," etc. The council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 27. The council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or

contemptuous conduct, and by a vote of two-thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL.

Powers of council

SECTION 28. The common council shall have the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law, provided they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

Licenses may be granted.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard or pool tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state.

Gambling.

2d. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent riots and disturbances.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain dis-

orderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleanse nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Location and management of slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, where the offal or filth thereof shall discharge into the waters of the creeks or river, and to establish rates for and license venders of gunpowder and to regulate the storage, keeping and conveying of the same or other explosive materials.

Gunpowder.

Grading and repairing streets.

6th. To provide for the making, grading, improving and repairing the streets of the city of River Falls, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Putrid carcasses and nauseous substances.

10th. To prevent persons from bringing, depositing or having within said city or placing in the waters adjacent to said city, any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substances or putrid or unsound beef, pork, hides or skins of any kind, and on default to authorize the

removal by some competent officer, at the expense of such person or persons.

Public pounds, water-works etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, of the city; to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen, and cartmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Cattle on sidewalks.

14th. To prevent all persons from riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Shooting of fire-arms.

15th. To prevent shooting off fire-arms or fire-crackers and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizens thereof.

Drunkenness.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.

21st. To compel the owners of buildings or grounds or the occupants, where the same are occupied, to remove dirt or rubbish from the sidewalks, streets or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant. Removal of dirt and rubbish.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. Infectious diseases.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property at public auctions, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars, nor more than five hundred dollars for any such license for one year; and provided, also, that nothing in this section shall prohibit or affect in any manner, sales at auction in cases specified in section 1585, of the revised statutes. Public auctions and vendues.

24th. To appoint watchmen and prescribe their duties. Watchmen.

25th. To provide by ordinance for a standard of weights and measures and for the punishment of any person using or keeping any false weights and measures. Weights and measures.

26th. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time, and may also, by ordinance or resolu- Jurisdiction over streams.

tion, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city, or the purity of the water shall be impaired, as it shall deem expedient.

Appropriations —how made.

SECTION 29. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force; and all ordinances shall be published in the official newspaper, printed at the city of River Falls, before the same shall be in force, and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper; the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

Shall not bar or hinder suits.

SECTION 30. The power conferred upon the said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examine and audit accounts.

SECTION 31. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, street commissioner and all other officers or agents of the city at such times as it deems proper; and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer or agent to exhibit his books,

accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

OPENING OF STREETS, ALLEYS, ETC

Opening streets and alleys, etc.

SECTION 32. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any building in the construction of water-works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner, upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned,

and the purpose for which they are to be taken. The common council shall, thereupon, cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners whose residence cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, postpaid, to the address of such owners within five days from the time of the first publication of such notice, when the post-office address of such owner is known.

Notice shall be signed by city clerk.

SECTION 33. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit court for said counties of Pierce or St. Croix, for a jury to enquire and determine whether it is necessary to take the land or any part thereof described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

Proof of service of summons to be made and proceedings in court defined.

SECTION 34. At the time fixed in said notice for the appointment of such jurors the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions

in courts of record in this state, shall appoint twelve competent persons, having the qualification of jurors in and for the counties of Pierce and St. Croix and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified; provided, that if the owner of the land sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such land owner in his demand for the inquiry to be made respecting his lands. The same rights of challenge peremptorily or for favor, or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land or any part thereof, mentioned in such resolution for the purpose therein specified.

In case juror be disqualified from acting.

SECTION 35. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Shall proceed in a body to view the premises.

SECTION 36. The said jurors shall forthwith, under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any

party interested, which testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Unanimous verdict to be returned.

SECTION 37. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart, and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for the county in which said land is situated, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had, as hereinbefore provided, for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement until a verdict shall be found.

In case necessity for taking the premises be established.

SECTION 38. Should the necessity for the taking of the premises, or any part thereof mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court for the county in which said land is situated, briefly setting forth the fact that the necessity for taking such premises has been established by the

verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required, and in the manner provided in section 32, of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

In case there is a building on lands.

SECTION 39. If there should be any building standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Ten days' notice to be given.

SECTION 40. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and to allow such building to be taken with the land appropriated, or their intention to remove such building at the rate set thereon by the commisioners to remove. If the owner shall agree to re-

move such building, he shall have such time for this purpose as the common council shall allow.

In case owner refuse to take the building.

SECTION 41. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Oath of commissioner.

SECTION 42. The commissioners shall take and subscribe the oath prescribed by the twenty- ighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may ajourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each party interested of the time and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioners to view the premises.

SECTION 43. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of such compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not

make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement for which such real estate may be taken, but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 39, 40, 41, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

In case property belongs to different parties.

SECTION 44. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

Improvement ordered made if found expedient.

SECTION 45. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if it shall deem it expedient by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor to be taken and used; and in such case the city shall be absolutely liable to the owner or owners or parties entitled thereto for all compensation that be established against said city there-

for; and the council may also in that case make an assessment of the compensation to be paid thereof, with the costs of proceedings or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may by resolution order all further proceedings to be discontinued.

In case of dissatisfaction in regard to amount.

SECTION 46. Any person being dissatisfied with the amount of compensation for property taken or the amount assessed as benefits shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party in accordance with the conditions of said bond.

Report of commissioners to be recorded by clerk.

SECTION 47. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may

obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto, shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, setting up a claim adverse to the title set out in said premises and to the money or any part of it to be paid as a compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

In case premises are under lease.

SECTION 48. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report respectively cease and be absolutely discharged.

In case only a part is used.

SECTION 49. When only part of the lot or tract of land or other premises so under lease, or other contract, shall be taken or used for any of the purposes aforesaid, all the covenants, contracts or agreements respectively touching the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, and in respect to the

same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, in respect to the same.

In case of an infant or legal disability.

SECTION 50. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under disability, the judge before whom the proceedings are pending, may, upon the application of the council, or such party by his next friend appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

Other commissioners to be appointed to fill vacancy.

SECTION 51. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Cause the survey to be made.

SECTION 52. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Power to change the names of streets.

SECTION 53. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

May lay out roads.

SECTION 54. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only; directory.

SECTION 55. All the foregoing directions given in this chapter, shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act,

not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

City improvements.

SECTION 56. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and cross walks in the manner hereinafter mentioned and direct and control the persons employed therein and provide for the payment of the costs, charges and expenses incurred thereby out of the city moneys. All work to be done for the city may, at the discretion of the council, be let to the lowest responsible bidder, the council having first given notice of the time and place of letting a contract for the same by publication in a newspaper printed in the city, not less than ten days prior to such letting; provided, that if the estimated cost of such work shall be less than one hundred dollars, notice may be given by posting written notices of the time and place of letting, not less than ten days prior thereto, in three public places in the city; and provided further, that in all cases of advertising such letting of contracts as herein provided, the common council shall have power to reject any bids offered, if the same shall not appear to the council to be reasonable in amount or to be offered by responsible bidders; and the common council may in all cases require that a bond shall be given for the performance of the contract, in such form as the council may desire. The common council may order any such work to be done without letting a contract when it shall seem that the interests of the city are best subserved thereby.

Power to purchase instruments, tools, etc.

SECTION 57. The council shall have power to purchase such instruments, tools and approved machinery as may be required for properly surveying, making, grading and repairing the streets and alleys in said city, and doing such other work as is mentioned in the foregoing section, and it shall also have power to purchase any material necessary therefor.

Stagnant waters.

SECTION 58. The council shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters

remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Powers and duties of street commissioner.

SECTION 59. The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city, relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the river and water-courses in said city, are duly observed and kept, and direct and control the persons employed therein; and he shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and he shall make no orders, or give any directions for the improvements of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any places occur in any street, whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

Setting out ornamental trees.

SECTION 60. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. It shall also have power to determine the lines on which the trees shall be set, the kind and size of the trees to be set, the places where they shall be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal

when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to proper proportions, and to do all other needful acts as to them may seem just and proper to give this section proper effect.

FINANCES AND TAXATION.

Finance and taxation.

SECTION 61. All funds in the city treasury, except school, state and county funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor and countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

No debt should be contracted against city unless authorized.

SECTION 62. No debt shall be contracted against the city or orders be drawn on the city treasury unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing.

Penalties shall be paid into city treasury.

SECTION 63. All forfeitures and penalties, accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of three-fourths of all the alderman elect.

All property shall be subject to taxation.

SECTION 64. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers, and per-

form the same duties as are or may hereafter be conferred upon township assessors, except so far as they be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessor.

Abstract of assessment roll to be transmitted.

SECTION 65. Before the annual meeting of the boards of supervisors of the counties of Pierce and St. Croix, and by the times required by law for the return of the assessments from the respective towns, the city clerk shall transmit an abstract of the assessment rolls of such part of the city as shall lie in each county to the county clerk of such county, who shall lay the same before the county board of supervisors of the county at its annual meeting. The board of supervisors of each of said counties shall consider such part of the city as shall lie in such county as a town in equalizing the assessments of the respective towns, as required by law, but in such equalization shall regard the assessment roll of such part of the city as lies within its county as an entire roll, disregarding any division of such city into wards. Each of said boards of supervisors may levy a tax or taxes upon such part of the city as lies within its county, as now is or may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks; and in all transactions of the boards of supervisors of each of said counties the portion of the city lying in each county shall be regarded as a town, except as herein otherwise provided.

Poll tax.

SECTION 66. The common council shall have power to tax annually each male inhabitant of the city between the ages of twenty-one and fifty years, except such as may be exempted by the general laws of the state from poll tax, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax; such tax when so levied and collected to be paid into the city treasury, and to be used only for the improvement of streets, walks and crossings in said city; such tax to be collected with other taxes levied in said city.

Annual tax levy authorized.

SECTION 67. The common council shall annually, not later than the second Thursday in November of each year, by resolution, levy such taxes upon

the taxable property of the city as will, in its opinion, be required to defray the general expenses of said city for the year next ensuing; provided, that such tax levy shall not exceed seven mills on each dollar of the taxable property of the city, as shown by the last assessment roll of said city, unless the said city shall have, at a general or special election, authorized the council to levy a larger sum.

City clerk to make the tax roll.

SECTION 68. The city clerk shall make the tax roll of the city in the same manner and form and at the same time as required by the revised statutes of this state.

City treasurer to collect the taxes.

SECTION 69. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like power, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act, and he shall receive the same compensation for his services. The county treasurers of each of the counties of Pierce and St. Croix shall sell all delinquent lands and lots returned from the city of River Falls, in his county, at the same time and in the same manner as other delinquent lands are sold in the county, and in making settlement with city treasurer of said city, he shall be governed by the same rules which apply to towns in his county.

Lands to be taxed as farming lands.

SECTION 70. All lands lying within the city limits, which are used, occupied, reserved and held exclusively for agricultural purposes, shall be taxed as farming lands.

Directions given only directory.

SECTION 71. All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Special taxes may be levied.

SECTION 72. In addition to the amount herein limited for taxes for general city purposes; special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common coun-

cil, and afterwards submitted to a vote of the people and approved by them. Whenever the common council shall recommend such a tax they shall specify the amount to be raised and the object thereof and cause notice thereof and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Prompt payment of orders to be provided for.

SECTION 73. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of all funds to meet any deficiency in the treasury; provided, that the common council shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council, thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the common council shall take such action as will enable the city to preserve its credit.

All just demands against city to be settled.

SECTION 74. The common council shall settle all just claims and demands against the city, and shall settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens at least five days, previous to the annual election; and the common council shall meet on Monday, one week previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

Actions to be brought in corporate name of city.

SECTION 75. All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the

section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All fines and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

First process to be served by summons.

SECTION 76. In all prosecutions of any violations of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 77. When the action is commenced by summons, such summons may be substantially in the following form:

Counties of Pierce and St. Croix, } ss
City of River Falls. }

The State of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls.

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the——— day of——— , 18—, at ——— o'clock in the ——— noon, to answer to the city of River Falls to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this ——— day of ———, 18—.

C. D., Justice of the Peace.

When made returnable.

SECTION 78. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 79. When the action is commenced by summons, the complaint may be substantially in the following form:

City of River Falls } In Justice Court.
against } Before C. D.,
A. B. } Justice of the Peace.

The plaintiff complains against the defendant, for that the defendant on the —— day of ——, 18—, at the said city, did violate section —— of this act, or section —— of an ordinance or by-law, or regulation of said city, (describing it by its title,) which said —— is now in force. By reason of such violation, an action has accrued to the city of River Falls, to recover of the defendant the sum of —— dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of warrant.

SECTION 80. In all cases where oath is made for a warrant, the complaint shall be made on oath and no other affidavit shall be necessary, which said last mentioned complaint may be substantially in the following form:

The City of River Falls } In Justice Court,
against } before A. B.,
A. B. } Justice of the Peace.

Counties of Pierce and St. Croix—ss.

—— —— being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of River Falls, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate section —— of this act, or section ——, of an ordinance or by-law or regulation of said city, (describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested, and held to answer to said city of River Falls therefor.

Sworn and subscribed, this —— day of ——, 18—, before me.

It shall be sufficient to give the number of the section of this act, or the section of the ordinance, by-law or regulation violated or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms:

Counties of Pierce and St. Croix, } ss.
City of River Falls, }

The state of Wisconsin, to the sheriff or any constable of said counties and to the marshal of the city of River Falls, greeting:

Whereas, —— —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate section —— of this act, or section —— of an ordinance or by-law or regulation of said city (describing it by its title), which said —— —— is now in full force, as the complainant believes. Therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of River Falls on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Pierce or St. Croix county, and shall be received and kept therein the same as in criminal actions except as modified by this act or the ordinances, by-laws or regulations of said city. The complaint, made as aforesaid, shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

Printed copy to be good evidence.

SECTION 81. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or in book form, purporting to be published by authority of the common council shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Attendance of witnesses and jurors.

SECTION 82. Witnesses and jurors shall attend before the justices of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Right of trial by jury.

SECTION 83. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in the act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty; and for cost of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in case of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Counties of Pierce and St. Croix, } ss.
City of River Falls. }

Form of execution.

The state of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls, and to the keepers of the common jails of said counties, greeting:

Whereas, the said city of River Falls, on the—— day of ——, 18—, recovered a judgment before the undersigned justice of the peace in and for said city against —— for the sum of —— dollars together with the sum of —— and —— cents costs of suit for the violation of (section —— of this act or section of an ordinance, or by-law, or regulation) of said city (describing it by its title) you are hereby commanded to levy distress of the goods and chattels of the said —— excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within twenty days; and for want of such goods and chattels whereon to levy, to take the body of said ——, and him to convey and deliver to the keeper of the common jail in Pierce or St. Croix county, and said keeper is hereby commanded to receive and keep in custody in said jail the said —— for

the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he is discharged by due course of law.

Given under my hand this —— day of ——, 18—.

C. D., Justice of the Peace.

The form of commitment shall be substantially the same as that of the execution, omitting all that which relates to the levy and sale and return of writ.

Appeals—how taken.

SECTION 84. In any case the defendant may appeal from such judgment to the circuit court of the county in which the judgment is taken; provided that such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Each appeal shall be tried.

SECTION 85. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day of the judgment of the justice shall be rendered, unless continued for cause.

In case judgment of justice be approved.

SECTION 86. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and his or their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

How action against city shall be commenced.

SECTION 87. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the summons with the mayor, or clerk of said city, and it shall be the duty of the said mayor or clerk so served,

forthwith, to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of the common council of said city may be, in such cases provided. Judgment against said city shall be collected in the same manner as judgments against towns.

City officers not eligible for surety on bonds.

SECTION 88. No alderman, or other city officer, shall be accepted as surety upon any bond, note or obligation executed to the city, nor shall any officer required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

FIRE DEPARTMENT.

Fire department.

SECTION 89. The council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall be erected, repaired or moved, and to direct that and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within said fire limits, to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Regulate construction of buildings.

SECTION 90. The council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stovepipes, boilers and apparatus to be used in any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs, or ladders, leading

to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient and enforce the provisions of this act and the ordinances under it by suitable penalties.

Formation of fire companies.

SECTION 91. The council shall have power to authorize the formation of a fire-engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and to prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in cases of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire tax.

SECTION 92. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of the city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes; provided that the electors of said city shall have authorized said levy at a general or special meeting.

Sack companies.

SECTION 93. The council shall have the power to organize sack companies, to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies either collectively or individually, are hereby authorized

and empowered to act as special police in and for said city, and are hereby vested with all the power and authority which now is, are or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all the property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all members of each of said companies.

SCHOOLS.

Schools.

SECTION 94. This act shall not affect the school districts having parts of their territory lying within the limits of the city of River Falls as now organized, and in any alteration or change of said districts, the city council shall have the same power and exercise the same duties as the supervisors of the respective towns in relation thereto.

MISCELLANEOUS PROVISIONS.

Shall not be an incompetent witness.

SECTION 95. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which said city shall be a party in interest.

In case of failure to hold election at specified time.

SECTION 96. If any election by the people or council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for ar-

resting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the council, and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any specified time, be not then done or performed, the council may appoint another time at which the said acts may be done or performed.

Suits—how commenced.

SECTION 97. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof by the proper officer with the mayor; and it shall be the duty of the mayor forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

In case of judgments against city.

SECTION 98. When a judgment shall be recovered against the city of River Falls, or against any city or ward officer, in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor, but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor. Nor shall any real or personal property of any inhabitant of said city or any individual or corporation be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

No compensation shall be paid to mayor or alderman.

SECTION 99. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services.

Signing licenses.

SECTION 100. Every license issued by the authority of this act, or the ordinances of the city,

shall be signed by the city clerk, and sealed with the corporate seal; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the council, and the appellant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which shall be approved by the council; provided, that the sum paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of May next following in each year.

Meeting of supervisors to be announced.

SECTION 101. It is hereby made the duty of the common council of the city of River Falls and boards of supervisors of the towns of River Falls, Kinnickinnic and Troy, to meet together at some convenient place, on or before the first Monday of May, 1885, upon notice given by either of said parties, and if possible to agree upon some just, fair and equitable settlement and adjustment and division of property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of said towns. and to make a just apportionment of such liabilities as between the different parts of said towns and of said city.

In case a settlement cannot be agreed upon.

SECTION 102. If the common council of said city and said boards of supervisors, or either of them, cannot agree upon a settlement of the matters between said towns and said city, as provided in the preceding section then it is hereby made the duty of the circuit judge in and for the eighth judicial circuit of the state of Wisconsin, upon application made to him by either of said bodies, five days' notice of such application having been previously given to the other bodies interested, to appoint three commissioners who shall reside outside of the territory of each of said towns and city, who shall have power and it is made their duty as soon as may be after their appointment and filing with the clerk of the circuit court of Pierce county, of their oaths to faithfully and

fairly to adjust and settle all matters in dispute between said city and each of said towns, or such of them as may not have agreed upon a settlement as aforesaid, to faithfully and fairly adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city, or any part thereof in common with said towns or either of them; make a full adjustment of all matters between said city and each of said towns arising or growing out of the formation of said city out of the territorial limits of said towns, and especially of the indebtedness of said towns, and any part which said city ought to pay. And in order to make such settlement, adjustment and division as herein contemplated, said board of supervisors or said commissioners shall use as a basis of settlement, and shall be governed by, the tax rolls of the several towns for the year 1884. The said commissioners shall, as soon as possible, make their awards in writing and file the same as follows: Any award made between the city and towns of Troy or Kinnickinnic, respectively are to be filed in the office of the clerk of the circuit court of St. Croix county; any award which may be made between the town of River Falls and the city may be filed in the office of the clerk of the circuit court of Pierce county. Such awards when made and filed are to be final and conclusive between the parties.

Amounts to be paid into city treasury.

SECTION 103. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside the city which comprises a part of the several towns as aforesaid, from which such city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect

the same in the manner now provided by the laws of this state for the collection of debts against towns, cities and vilages.

Use of jails.

SECTION 104. The use of the jails of Pierce and St. Croix counties, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for the violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Town elections authorized to be held in city limits.

SECTION 105. Whenever the town board of supervisors of the town of River Falls, in the county of Pierce, may deem it for the convenience and interest of the legal voters of said town, they are hereby authorized and empowered to select a place for the polls of any general or special election or town meeting, at any suitable place within the limits of the city of River Falls; provided, that such poll shall not be nearer to any poll of any election in any ward of said city than three hundred feet, and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

Town supervisors may hold meetings within city limits.

SECTION 106. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of River Falls, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meeting and the places for the town clerk and the treasurer of the town mentioned in this and the preceding section shall not be at any place or places of meeting of the common council or of officers of the city without consent first being obtained of the common council.

First city elections when and where held.

SECTION 107. The first city election of the city of River Falls for the election of city and ward

officers, shall be held in the respective election districts of said city on the first Tuesday of April, 1885. Five days' notice of the time and place of holding such elections shall be given by posting notices in writing in three public places in said city, signed by O. S. Powell, John W. Barrett and Allen P. Weld, who are hereby appointed a board of canvassers to canvass the returns of the several wards in said city, and are authorized to select places in each election district for holding such elections; and the polling places so selected by them shall be polling places for the judicial elections to be held on the first Tuesday in April, 1885, for such several wards. At the time of opening the polls in each election district the electors present shall choose *viva voce* from the qualified electors present, three inspectors of election and two or more clerks of election, who, before entering upon their duties, shall take the oath required of inspectors and clerks of election; such elections shall be conducted as herein provided for city elections. After the polls of such elections are closed, said inspectors and clerks shall make duplicate returns of such election, one of which they shall forthwith transmit to the said board of canvassers, and one of which is to be retained by said inspectors and filed by them in the office of the city clerk when such officer is qualified to act, said board of canvassers shall immediately, after the polls of the election are closed, meet at the polling place in the second ward of the city and canvass the returns of the several wards of the city immediately upon the receipt of the returns from all of the wards, and they shall make out duplicate statements to be subscribed by them, showing the whole number of votes cast for each office and the number of votes cast for each person voted for and a certificate of the result of the election; they shall file one of such statements in the office of the town clerk of River Falls within three days after such election, and shall retain the remaining statement until the city clerk is elected and qualified, when such statement shall be filed in his office. Before proceeding to canvass such returns the said board of canvassers shall each take and subscribe an oath to support the constitution of the United States and of the state of Wisconsin, and to faith-

fully canvass the returns of such election. If any one of said canvassers shall fail to act for any reason the remaining canvassers may appoint a suitable person to act in his stead. Such canvassers shall immediately after the completion of such canvass make out certificates of election of each officer elected and shall forthwith notify him of such election.

SECTION 108. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1885.

[No. 321, A.] [Published March 20, 1885.]

CHAPTER 106.

AN ACT to amend chapter 221, of the laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same;" also to amend chapter 78, of the laws of 1883, entitled, "An act to amend the fourth sub-division of section 23, of chapter 7, and chapters 2 and 9, of chapter 221 of the laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and to amend the same" by striking out sections 2, 3, 4, 5 and 6 of said chapter 78.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section two of chapter two of chapter 221 amended.

SECTION 1. Section 2, of chapter 2, of chapter 221 of the laws of 1882, is hereby amended by inserting after the word, "attorney," in the fifth line of said section, the word, "two," and by adding to the word, "commissioner," in the same line, the letter, "s," so that the said section when amended shall read as follows: Section 2. The municipal government of said city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be a clerk, treasurer, city attorney, two school commissioners at large, two

justices of the peace, sealer of weights and measures, and one constable, supervisor and school commissioner for each ward, and a street commissioner and city marshal.

Section three of chapter two of chapter 221 amended.

SECTION 2. Section 3, of chapter 2, of chapter 221, of the laws of 1882, is hereby amended by striking out after the word, "at," in the first line of said section, and before the word, "at," in the ninth line of said section, and inserting in lieu thereof the following: "The election which shall be held on the first Tuesday of April, 1885, there shall be elected by the qualified electors of said city, a mayor, clerk, sealer of weights and measures, a school commissioner-a-tlarge, and a justice of the peace, who shall hold their respective offices for the term of two years, and a school commissioner-at-large, who shall hold his office for one year, and there shall also be elected on the first Tuesday in April, in the year 1886, a city attorney, a justice of the peace and a school commissioner-at-large, who shall hold their respective offices for the term of two years; and the aforesaid city officers shall thereafter be elected for the term of two years, at the annual city election which next precedes the expiration of the respective terms of said offices." So that said section, when so amended, shall read as follows: Section 3. At the election, which shall be held on the first Tuesday of April, 1885, there shall be elected by the qualified electors of said city, a mayor, clerk, sealer of weights and measures, a school commissioner-at-large and a justice of the peace, who shall hold their respective offices for the term of two years, and a school commissioner-at-large, who shall hold his office for one year; and there shall be elected on the first Tuesday in April, in the year 1886, a city attorney, a justice of the peace, and a school commissioner-at-large, who shall hold their respective offices for the term of two years; and the aforesaid city officers shall thereafter be elected for the term of two years, at the annual election which next precedes the expiration of the respective terms of said offices. At such annual election there shall also be elected by the qualified electors of each ward, an alderman, who shall hold his office for two years, a constable and supervisor, who shall hold their respective offices for one year, and every two years there shall be

elected by the qualified electors of each ward a school commissioner, who shall hold his office for two years. All officers of said city heretofore elected under its charter, shall hold their respective offices until the expiration of the term for which they were elected, and nothing in this act shall be so construed as to authorize the election of any mayor, clerk, treasurer, city attorney, school commissioner at large, justice of the peace, sealer of weights and measures, alderman, school commissioner, supervisor, constable or other officer, whose term of office shall commence before the expiration of the terms of office of any such officers heretofore elected under the charter of said city. All elective officers specified in this act shall hold their respective offices for the term provided in this act, and until their successors are elected and qualified. All other officers named in this act, and which are not by this act declared elective, shall be appointed by the common council by ballot.

Sections, two, three, four and five and six of chapter 78 repealed.

SECTION 3. Sections 2, 3, 4, 5 and 6, of chapter 78, of the laws of 1883, are hereby repealed, and section 4, of chapter 2, of chapter 221, of the laws of 1882, is hereby re-enacted, and shall read as follows: Section 4. The common council may appoint a street commissioner and a city marshal, and may remove and displace both or either of them at its pleasure, and shall fix the rate of compensation to be paid to each, and they shall not receive any greater compensation than that so fixed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1885.

[No. 106, S.] [Published March 27, 1885.]

CHAPTER 118.

AN ACT to amend an act, entitled, "an act to revise, consolidate and amend the charter of the city of Wausau."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to lands for sites for school-houses.

SECTION 1. All the provisions of sections 68 to 89 inclusive, of chapter 151, of the laws of 1883, entitled, "an act to revise, consolidate and amend the charter of the city of Wausau," and relating to "opening streets, alleys, grounds, etc., or discontinuing the same," shall apply to lands required or deemed necessary for sites for pumping and engine house, and other grounds necessary for the construction of water-works in said city, and for sites for public markets and for school buildings, and for premises attached to such buildings or sites.

Protection of water works, ordinances may be passed.

SECTION 2. The common council of the city of Wausau shall have power from time to time to pass such ordinances as may be deemed necessary or expedient for the management and protection of the water-works of said city, and regulate and control the supply and use of water therefrom. And said common council shall at the first regular meeting in the month of May, in the year 1885, elect a board of three water commissioners; one of said commissioners shall be elected for one, one for two, and one for three years, and thereafter one of said commissioners shall annually be elected for three years. Said water commissioners shall have the entire charge and management of said water-works, and shall appoint a superintendent and other employes, who may be removed at the pleasure of said commissioners, and shall supervise and control the supply and distribution of water throughout the city, and generally to discharge the duties imposed upon them by the ordinances of said city. The common council of said city shall fix the compensation of the superintendent and other employes; but such com-

missioners shall receive no compensation for their services as such.

Ordinances when in force.

SECTION 3. Any ordinance, resolution or appropriation passed by the common council of said city shall be in force, unless disapproved by the mayor, who shall state his objections thereto in writing to the common council at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two-thirds of all the members elected to such council shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void.

Deputy clerk and treasurer.

SECTION 4. The city clerk and treasurer of said city of Wausau are hereby authorized and empowered to appoint under their hands a deputy, which deputy in all respects shall possess the same powers and authority as his principal, and shall hold his office at the pleasure of the principal, which said principal shall be responsible for all acts of said deputy.

Section nine of chapter 151 amended.

SECTION 5. Section 9, of chapter 151, of the laws of 1883, entitled, "an act to revise, consolidate and amend the charter of the city of Wausau," is hereby amended so as to read as follows: Section 9. The inspectors of all elections in said city shall be chosen in the same manner and be the same as the general laws of the state require, and every person who shall have been a resident of said city for thirty days and otherwise qualified by law to vote at a general election shall be entitled to vote in the ward in which he resides and shall have resided for ten days previous to said election for all officers to be elected by virtue of this act, any person may be challenged in the same manner and the same proceedings held thereon as are or shall be prescribed by law in relation to a general election so far as the same shall be applicable to a charter election.

Repealed.

SECTION 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 20, 1885.

[No. 298, S.] [Published March 24, 1885.]

CHAPTER 119.

AN ACT to amend chapter 341, laws of 1883, entitled, "an act to incorporate the city of Sturgeon Bay."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chapter 341 amended as to boundaries and other matters.

SECTION 1. Amend chapter 341, of the laws of 1883, by striking out all of section 2, and insert the following in lieu thereof: Section 2. Said city shall embrace the following described territory: Beginning at a point in the waters of Sturgeon Bay on the line between sections eight and nine in township twenty-seven north, of range twenty-six east, produced south equi-distant from the opposite shores of said bay and running thence north to the shore of said bay and thence north on the line between sections eight and nine, sixty-two and seventy-six hundredths chains more or less to the section line, thence east eighty rods more or less to the eighth line, thence north on said eighth line one mile more or less to the township line, thence west on said township line one hundred and thirty-four and fifty one-hundredths chains more or less to the shore of said bay and thence west on the same line produced to a point in the waters of said bay equi-distant from the opposite shores thereof, and thence southeasterly on a line equi-distant from the opposite shores of said bay to the place of beginning. Amend section 5, by adding after the word, "supervisor," in the sixth line of said section, "and one school commissioner," so that said section when amended shall read as follows: Section 5. The elective officers of said city shall be a mayor, clerk, assessor, treasurer, marshal, attorney and three justices of the peace, one of which shall be elected as and called police justice from the city at large, and two aldermen and one supervisor and one school commissioner from each ward. The mayor and aldermen shall constitute

the city council. The council shall appoint a superintendent of schools and a street commissioner, and may appoint a surveyor, pound master, policemen, fire-wardens, night watchmen and such other officers or agents as may be necessary or proper to carry into effect the provisions of this act or of any ordinance made in pursuance thereof. Amend section 6, by adding after the word, "electors" in the second line, "of the city and be freeholders therein for the period of one year previous to the date of his election;" so that said section when amended shall read as follows: Section 6. All officers elected under this act shall be electors of the city and shall be freeholders therein for the period of one year previous to the date of his election, and ward officers shall be electors of the ward for which they are elected or appointed. No person shall be appointed to any office who is not an elector of the city. The treasurer of the city shall be ineligible to said office for the next succeeding term. Amend section 11, by striking out the word, "ten," in the tenth line and inserting in lieu thereof the word, "thirty," so that said section when amended shall read as follows: Section 11. If any vote be challenged or if any inspector shall have reason to believe that any person offering to vote does not possess the qualifications of an elector under this act, the inspectors shall ascertain and decide upon the qualifications of such person as an elector, in the manner prescribed by law for determining the qualifications of electors at general elections, and in addition thereto shall require proof of such person that he has been thirty days a resident of the city, as herein provided. Amend by striking out all of section 15, and insert the following in lieu thereof: Section 15. All elective officers, except justices of the peace and school commissioners, shall hold their offices for the term of one year, and until their successors are elected and qualified. Justices of the peace shall hold their offices for the term of two years, and school commissioners shall hold their offices for the term of three years, and until their successors are elected and qualified; provided, that at the annual charter election, to be held in and for said city, on the seventh day of April, 1885, there shall be elected from the first ward in said city, a school commis-

sioner, who shall hold his office for the term of one year; from the second ward in said city a school commissioner, who shall hold his office for the term of two years; and from the third ward in said city, a school commissioner, who shall hold his office for the term of three years. Amend section 40, by inserting after the word, "alderman," in the first line, the words, "and school commissioners," so that said section, when amended, shall read as follows: Section 40. The mayor, alderman and school commissioners shall receive no compensation, except for special service. The clerk, attorney and superintendent of schools shall be paid a salary. The marshal and police justice shall be entitled to charge such fees as constables and justices of the peace are allowed for similar services, and the marshal may in addition thereto be paid a salary. All salaries shall be payable quarterly, except as herein provided. The council shall prescribe the compensation of the several officers, and the compensation of any officer shall not be changed during his term of office. Amend by striking out all of section 59, and insert in lieu thereof the following: Section 59. The school commissioners shall constitute the board of education, said board of education shall meet on the first Saturday after the first Tuesday in April each year, and elect one of its members as president thereof, who shall hold his office for one year or until his successor is chosen. The board of education shall have power to audit and allow all claims against the city for school purposes, and on or before the twentieth day of September in each year, the board of education shall make out and lay before the council a detailed statement in writing, of the amount necessary to be raised for the support of the schools for the ensuing year, and except as herein otherwise provided, it shall have the same powers and perform the same duties as school district boards under the general laws of the state. Amend by striking out all of section 62, and insert in lieu thereof the following: Section 62. The city clerk shall be clerk of the board of education and of the high school board, and shall take the annual census required under the general laws of the state, relating to common schools. All orders for the payment of school moneys shall be signed by the

clerk and mayor of said city, and shall be made payable out of the proper fund in the city treasury. Amend by striking out all of section 65, and insert in lieu thereof, the following: Section 63. It shall be the duty of the superintendent of schools to examine all applicants for license to teach in the public schools of the city, and to give certificates to such only as are duly qualified; to annul any teacher's certificate for cause, but such teacher shall have the right of appeal to the board of education; to visit each school or department thereof in the city at least three times each term, and to give such instructions and make such suggestions as he may think necessary for the proper conduct of the same; to see that the prescribed course of study is pursued in a systematic, orderly manner, and superintend the examination of classes and pupils for promotion; to see that all rules adopted by the board for the government of the schools, for the protection of school property, and for the conduct of pupils at school and on the school grounds, are properly observed; to suspend for the time being, subject to the action of the board of education, any pupil for misconduct; to attend the meetings of the board of education when required, and to give such information and recommend such measures as in his judgment will improve and advance the schools, and promote the health and comfort of pupils and teachers, and to perform such other duties as the board of education shall prescribe or direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1885.

[No. 146, S.] [Published March 26, 1885.]

CHAPTER 121.

AN ACT to amend the charter of the city of Kenosha, known as chapter 133 of the private and local laws of the year 1857, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 2, of said charter and act as amended, is hereby amended so as to read as follows: Section 1. The municipal government of the city shall consist of a common council, composed of a mayor, and two aldermen from each ward. Section one of chapter two amended.

SECTION 2. Section 2, of chapter 2, of said charter and act as amended, is hereby amended so as to read as follows: Section 2. A mayor, a treasurer, a clerk, an assessor and one justice of the peace for the city at large, shall be annually elected by the people, and one school commissioner and one constable shall be annually elected by the qualified electors of each ward. At the next annual election in said city there shall be elected in each ward by the qualified electors thereof, two aldermen for each ward, one for the term of one year, and one for the term of two years, which term shall be expressed upon the ballot voted by such elector, and the person receiving the highest number of votes for alderman for one year shall be declared duly elected to such office for the term of one year; and the person receiving the highest number of votes for alderman for two years shall be declared duly elected to such office for the term of two years; and there shall be annually thereafter elected by the qualified electors of each ward, one alderman for such ward, who shall hold his office for the term of two years; provided, that no alderman shall receive any compensation whatever for his services as alderman, nor be interested directly or indirectly in any contract made with the city. Section two of chapter two amended.

SECTION 3. Each said officer shall hold his said

office for the term for which he is elected, and until his successor shall be duly elected and qualified.

Office of marshal abolished.

SECTION 4. The office of marshal, under the provisions of the charter of said city of Kenosha, is hereby abolished, and all the powers and duties conferred by the city charter or ordinances upon the marshal, are hereby conferred upon the chief of police, to be appointed by the mayor and confirmed by the common council under the city charter.

Repealed.

SECTION 5. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 20, 1885.

[No. 1, A.] [Published March 26, 1885.]

CHAPTER 128.

AN ACT to amend chapter 247, local laws of 1878, entitled, "an act to incorporate the city of Fort Atkinson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section four of chapter 15, amended.

SECTION 1. Section 4, of chapter 15, of said act, is hereby amended by adding to said section the following: And chattel mortgages executed by the residents of said city shall hereafter be filed in the office of the town clerk of said town of Koshkonong instead of with the clerk of said city.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1885.

[No. 173, S.] [Published March 25, 1885.]

CHAPTER 130.

AN ACT to incorporate the city of Mayville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

INCORPORATION.

Corporate name.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described, shall be a city by the name of Mayville, and the people now inhabiting, and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Mayville, have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CHAPTER II.

CITY AND WARD BOUNDARIES.

City and ward boundaries.

SECTION 1. All that district of country in the county of Dodge, in the state of Wisconsin, known and described as follows, to wit: The west half of the southwest quarter of section thirteen, and the southeast quarter of section fourteen, and the northeast quarter and the east half of the southeast quarter of the northwest quarter, and the north half of the southeast quarter of section twenty-three, and the northwest quarter of the southwest quarter, and the west half of the northwest quarter of section twenty-four, all in town-

ship twelve north, of range sixteen east, known as the town of Williamstown, in said county, shall be included in and constitute the limits of the city of Mayville; provided, that any cemetery grounds of any church society shall not be a part of the territory of said city.

Ward boundaries defined.

SECTION 2. The said city is hereby divided into three wards, to be called and known as the first second and third wards, and limited and bounded as follows, to-wit: All that portion of said city west of Rock river and south of the center of Bridge street as designated on the recorded plat of the village of Mayville, Dodge county, Wisconsin, shall be and constitute the first ward; and all that portion of said city east of said Rock river shall be and constitute the second ward; and all that portion of said city west of Rock river and north of the center of the said Bridge street shall be and constitute the third ward.

CHAPTER III.

CORPORATE AUTHORITY.

Corporate authority.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers, and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER IV.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April in each year, at such convenient place as the common council shall direct. The polls of every election under this act shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon of the same day, but the judges or inspectors of election may close the polls at twelve o'clock noon for one hour, giving notice thereof.

SECTION 2. The common council shall give at least ten days' notice of the time and place of holding every such election, and of the city and ward officers to be elected thereat, and shall cause such notice to be published at least ten days before every such election, in a newspaper published in said city, if one be published therein, and if there be no newspaper published therein, then said common council shall cause such notice to be posted up in at least five conspicuous places in said city; provided, however, that a failure to give such notice shall not invalidate any annual election otherwise duly held in said city on the first Tuesday of April in any year. Notice of election to be given.

SECTION 3. The mayor and one aldermen from each ward of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, shall be the clerk of every such election. In case of the failure of the mayor and clerk, or either of them, for any cause, to be present in time to properly open the polls, the aldermen present may appoint a person or persons to act in their or his place as such inspector or clerk, and in case one alderman from each ward be not present, the by-standers may select one or more persons, as the case may be, to act as inspectors in the place of the absent alderman or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same form and to the same effect as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election. Judges and inspectors of elections.

SECTION 4. The common council of said city shall provide three ballot boxes, numbered one, two and three, to correspond with the three wards aforesaid, to be used at all elections under this act. Ballot boxes.

SECTION 5. All persons qualified to vote at general elections for state officers, and who shall have Who are qualified electors.

been residents of said city for at least ten days next preceding any election, shall be legal voters for any officer required to be elected by this act; and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote does not possess the qualifications of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections; provided, however, that the proper questions shall be propounded to and answered by such person to enable said inspectors to determine whether he has resided in said city for ten days prior to offering his vote.

ELECTIVE OFFICERS.

Elective officers.

SECTION 6. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, two justices of the peace, and two constables, elected by the city at large, and two aldermen from each ward. All elective officers except justices of the peace and aldermen, shall, unless elected to fill vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have the power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city except justices of the peace, due notice and an opportunity for hearing being first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Officers to be elected.

SECTION 7. At the first election held in said city under the provisions of this charter, one alderman shall be elected from each ward whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter, except to fill vacancies, shall hold their offices for two years. The aldermen elected for one year at said

first election shall be known as the senior alderman, and the one elected for two years the junior alderman, and thereafter the alderman having the longest time to serve, the junior alderman of each ward.

What wards supervisors shall represent.

SECTION 8. The senior alderman in each ward shall be *ex officio* a county supervisor of the county of Dodge, and shall represent his ward in the county board of supervisors, and in case of his absence or inability to attend any session of such county board, the common council shall have power to appoint some suitable person to serve in that capacity.

When officers shall be elected.

SECTION 9. The elective officers shall be elected at the annual election to be held on the first Tuesday in April of each year. At the first election, each elector, in addition to voting for mayor, clerk, treasurer, assessor, two justices of the peace and two constables to be elected by and for the city at large, shall vote only for the two aldermen to be elected by and for the ward in which the elector voting resides; and no elector shall vote for more than two aldermen, and the two aldermen voted for must be residents of the same ward with the elector. The electors shall vote by ballot, written or printed, or partly written and partly printed. Each ballot shall contain the names of the ten persons only, in addition to the proper designation of the office for which each is named, to wit: The name of one person for mayor, the name of one person for clerk, the name of one person for treasurer, the name of one person for assessor, the names of two persons for justices of the peace, the names of two persons for constables, and the names of two persons for aldermen; the mayor, clerk, treasurer, assessor, justices of the peace, and constables to be chosen from the city at large, and the aldermen from the several wards, as aforesaid, wherein they reside, and if any ballot has more than two persons named thereon for aldermen, it shall not be counted as a ballot for aldermen, but shall for the other persons properly named thereon. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person

named in such ballot for aldermen resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerk, and the two persons named on the ballots in any box for aldermen, who shall have received the largest number, or a plurality of all the votes cast by the electors of the ward, corresponding in number with the box, shall be declared elected aldermen of such ward, and the ballots for mayor, clerk, treasurer, assessor, justices of the peace and constables who shall receive the largest number of all the votes cast for such officers shall be declared elected thereto respectively. If any alderman shall change his residence from the ward for which he shall have been elected, his office as alderman shall become vacant, and the common council of said city shall, by resolution, so declare, and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, or where he has his lodgings and sleeps at night.

Poll lists to be kept.

SECTION 10. At each annual election the inspectors of election shall cause three poll lists to be made, and numbered one, two and three, to correspond with the three wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name, and willfully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, and shall willfully and knowingly deposit his ballot in a box not corresponding in number to the number of the ward in which he resides, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting.

SECTION 11. Immediately after counting of the

ballots, at any election under this act, the inspectors and clerks of election shall, under their hands and the seal of such city, make a written statement of the result of such election, and attach thereto the oaths of the inspector and the clerk and the three poll lists kept at such elections, and shall cause the same to be filed in the city clerk's office, and the said statement to be recorded in the records of said city; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city. Written statement of result of election to be made.

SECTION 12. All elections after the first held under this act, and all votes cast thereat, shall be governed by the regulations provided in sections 9, 10 and 11, of this act, except that only one alderman from each ward shall be voted for and elected at such elections. Elections to be held under regulations provided.

SECTION 13. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall at its first regular meeting in each year, appoint one marshal, one street commissioner, and such other officers as the council shall deem it necessary to appoint at that time. In case the council shall for any reason fail or neglect to appoint a marshal or street commissioner, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting. Appointed officers.

SECTION 14. All the village officers of the village of Mayville shall hold their respective offices until their successors are elected and qualified or appointed and qualified under this act; and the term of every officer elected under this act shall commence the second Tuesday in April of each year for each year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, nd until his successor is elected and qualified Present village officers to perform election duties.

SECTION 15. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections shall be performed, as far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Mayville, in regard to the first election and the organization of the city government under this act.

First election when held.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1885, and the president and any two trustees of the village of Mayville shall be the inspectors, and the clerk of said village shall be the clerk of such election.

In case of failure to elect.

SECTION 17. Should there be a failure of the people to elect any officer therein required to be elected on a day designated, the common council may order a new election to be held, and in such case the common council shall cause at least ten days' notice of the time and place of holding such election, and of the officers to be elected thereat, to be given by publishing such notice for at least ten days in a newspaper published in said city, or if no newspaper be published in said city, then by posting said notice in at least five conspicuous places in said city, at least ten days before said election.

Assistant marshal to be appointed by council.

SECTION 18. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city.

List of elected officers to be made.

SECTION 19. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the corporate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Dodge county; and said clerks shall file and preserve the same in the same manner as they file and preserve like

certificates of the election or appointment and qualification of town officers.

CHAPTER V.

VACANCIES AND REMOVALS.

Vacancies and removals.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided, shall create a vacancy in such office, and the removal of any alderman or supervisor from the ward for which he shall have been elected, shall create a vacancy in the office held by him.

Removal of officer for cause.

SECTION 2. For good cause shown the common council may remove any officer elected under this act, except the mayor, but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

Special election to fill vacancy may be held.

SECTION 3. Whenever a vacancy shall occur in the office of mayor the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for

the unexpired term of his predecessor and until his successor shall be elected or appointed and qualified.

CHAPTER VI.

OFFICERS, THEIR POWERS AND DUTIES.

Officers—their powers and duties.

SECTION 1. Every person elected or appointed to fill any office under this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, justice of the peace, marshal and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices execute to the city of Mayville a bond in such sum and with such sureties and conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer neglecting or refusing to give the same.

Power and duties of mayor.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgment of deeds, and other in-

struments in writing, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

President of council.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his temporary inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. The common council in case the mayor and the president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them as acting mayor shall have the same force and validity as if performed by the mayor.

City clerk to keep corporate seal.

SECTION 4. The city clerk shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep in a book, to be provided by the common council for the purpose, a correct record of the proceedings of the common council, and of the doings and votes of the inhabitants of said city at their annual and other elections. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with the amount of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall, within fifteen days after its publication, record in a book to be provided for that purpose, each ordinance passed by the common council, and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals. He shall likewise draw and countersign

all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in bonds provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed, shall be as valid and have the same effect as if filed in the town clerk's office of any town. It shall be his duty to do and perform every act required to be done by the clerks of towns, not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a compensation to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council to act in the absence or disability of the clerk.

Duties of treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or the by-laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom and the purpose for which it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the person from whom, and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said village. He shall, as often as the common council shall require, render to the common council a minute account of his receipts and disbursements; and at the expiration of his term of office, pay over and deliver to his succes-

sor all moneys, books, papers and vouchers in his possession belonging to said city.

Duties of assessor.

SECTION 6. The assessor shall assess all taxable property of the city of Mayville, as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine.

Duties of marshal.

SECTION 7. The marshal of said city shall attend all the meetings of the common council, and in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of license moneys, fines, penalties and forfeitures. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He may serve any process directed to him or to the sheriff, or any constable of Dodge county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest, with or without process, any person whom he shall find in any public place of said city, in a state of intoxication, or making loud and boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affrays or fights, or violating any ordinance, rule, regulation or resolution of said city, made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within a reasonable time thereafter, take him before competent authority, to be dealt with according to law; it shall also be his duty to obey all written orders of the common council; and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise,

Duties of street commissioners.

SECTION 8. It shall be the duty of the street commissioner of said city to build, construct, maintain and repair all such sidewalks, cross walks,

streets and alleys of said city as the common council shall direct him to build, construct, maintain or repair; and for all services rendered by him by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

Further duties of street commissioners.

SECTION 9. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed and what materials used, and where used, and the price to be paid for help, teams and materials; and no bill for services or materials furnished and used upon the streets, shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct relative to streets.

Maximum prices fixed.

SECTION 10. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used. It shall also be the duty of the said commissioner to make to the common council an annual report of his doings, or oftener, if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who performed work, furnished teams, materials, tools and implements, together with such other information as the said council may direct or demand. Said respective reports shall have annexed thereto an affidavit, signed by and sworn to by said street commissioner before some person authorized to administer oaths, stating that said reports are in substance and detail true, and for any false swearing in connection

with said reports by said commissioner, he shall be deemed guilty of perjury and be subject to be punished as one guilty of perjury under the laws of this state.

Penalty for failure to deliver.

SECTION 11. If any person having been an officer in said city shall not, within ten days after demand therefor, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the city one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Suppression of disorders.

SECTION 12. The mayor, sheriff of Dodge county, each and every alderman, police justice and marshal, shall be officers of the peace, and shall suppress in a summary manner, all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of the by-standers, and if need be, of all citizens; and if any person, or by-stander, shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of not exceeding fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mention in this section, shall direct the proceeding.

Other duties may be performed.

SECTION 13. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act, or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers; but the mayor and said common council shall receive no compensation for services rendered said city.

CHAPTER VII.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Mayville do ordain." A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 2. The common council shall hold stated meetings at such times and places as it shall by resolution direct; provided, however, that its first regular meeting shall be held the third Tuesday of April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call special meetings by notice to each of the aldermen, to be served personally or left at their usual place of abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings and keep a journal thereof, and be the judge of the qualification and election of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members, and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act.

Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property, concerns and effects of the city, and shall, in addition to the powers herein specifically vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, change, amend and repeal all such ordinances, rules, resolutions, orders and by-laws for the government and good order of the city, for the suppression of vice and immortality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by-laws; and such ordinances, rules, resolutions, orders and by-laws

are hereby declared to be and have the force of laws: provided, that they be not repugnant to the constitution or laws of the United States, or the constitution of this state.

Fire companies.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, to regulate their government, and the time and manner of their exercise; to provide all necessary engines, hose and hose carts, hooks and ladders, and trucks, and all other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and carts, hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared appurtenances to the real estate exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment thereof, the city may recover of such owner the cost of such ladder or fire-buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover if any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of any fire-works and fire-arms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of a fire as it shall deem necessary for the purpose of prevent-

ing its communication to other buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water-works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Powers of council defined.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law:

Collecting taxes.

1. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided, and pursuant to the laws of this state.

Licenses.

2. To license and regulate the exhibition of common showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license, or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming.

Riots and disturbances.

3. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses, groceries and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances or laws of this state, or at common law.

Cleanse nauseous places.

4. To compel the owner or occupant of any grocery, cellar, slaughter-house, tallow chandler's shop, soap factory, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof.

Slaughter-houses and combustible materials.

5. To direct the location and management of slaughter-houses, and to prevent the erection, use and occupation of the same within the limits of said city, and to establish rates for and license venders of gunpowder and to regulate the storage, keeping and storing of the same or other combustible materials.

Incumbering streets.

6. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, fire-wood, or any other materials or substances whatever.

Immoderate riding.

7. To prevent horse-racing, fast or immoderate riding or driving on the streets.

8. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry, and geese, and to authorize the distraining, impounding and sale of the same. Restrain cattle.

9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinances. Dogs.

10. To make and establish a pound, purchase the necessary grounds and materials for the same, and appoint a pound-master. Pounds.

11. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person. Putrid carcasses.

12. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city, or any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots, after thirty days' notice being served on him personally, or posted at some public place in the vicinity of said lot or lots, or at the post-office in said city, the common council may cause the same to be done, and may levy and collect a tax on such lot or lots sufficient to pay the expense of so filling such lot or lots and the costs of giving such notice, in like manner as other corporation taxes are levied and collected. Stagnant water.

13. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious diseases.

14. To compel the owners or occupants of lots or parts of lots or lands to remove snow, ice, dirt or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing of the same, to authorize the removal thereof by some officer of the city at the expense of such owner or occupants, and to levy Removal of snow, dirt, etc.

and collect tax upon such lots or parts of lots or lands to pay such expense, in like manner as other corporation taxes are levied and collected.

Boards of health.

15. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Repair of streets.

16. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate or discontinue streets, lanes, alleys, public squares, sewers, gutters and sidewalks, to keep them free from incumbrance, and to protect them from injury; and also to protect, maintain and regulate the setting out of shade or ornamental trees on the public squares or in the streets of said city.

Driving on sidewalks.

17. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalk in said city, or in any way doing damage to such sidewalks.

Police regulations.

18. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, fix their compensations and punish their delinquencies.

Cleansing the river.

19. To provide for the cleaning out of the river in said city, of driftwood and other obstructions in said city, and to prevent any person placing in said river, within the boundaries of the city, any article of wood, stone, earth or other substance which may retard the flow of water, or fill up or contract the bed of said river, or which may be prejudicial to the health of said city.

Regulating the taking of ice.

20. To regulate the taking of ice from the river in said city, to designate the localities therein from which ice may be taken, and to prohibit the taking of ice from any other localities therein than such as are thus designated.

Exemption of highways and poll taxes.

21. To provide for the exemption from highway and poll taxes, of all persons belonging to any fire company, hose company or hook and ladder company organized in said city or under this act.

Compensation of officers.

22. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensa-

tion whatever for their services as officers of said city.

23. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, or parts of streets, alleys or blocks, as the public safety may, in its judgment seem to require. Wooden buildings.

24. To insure the public property of said city. Insure property.

25. To direct in the prosecution and defense of actions in which said city may be a party, or otherwise interested, and to employ counsel for that purpose. Employ counsel.

26. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes. Stationery.

27. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the incumbering of streets, lanes, alleys, highways, sidewalks and cross-walks with railway cars or engines, or any other substance or materials pertaining to railways. Running of engines through city.

28. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same. Drunkenness.

29. To prevent the shooting of fire-arms or fire crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting of fire-arms.

30. To establish and maintain a pest-house whenever necessity or the public health may require. Pest-houses.

31. To erect and maintain lamp-posts along any of the streets, or on the public grounds of said city, and to protect the same from injury and to prevent interference therewith, and to light the streets, public grounds and buildings of said city. Lighting of streets.

32. To provide and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery, plants, grave-stones, monuments, railings, Cemetery grounds.

buildings, or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons and others for any default in the premises.

License hawkers and peddlers.

33. To license, regulate, restrain, or suppress hawkers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called Cheap John transient dealer or person who travels from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision and shall not be required to take out any license there-

under, or by any ordinance passed pursuant thereto.

34. To provide by ordinance for the measuring or weighing of wood, coal, lime and other articles sold in said city. Wood, coal, and lime.

35. To let by contract, to the lowest bidder, all work to be done for said city. Let by contract.

36. To remove, for good cause shown, any officer of said city, except mayor. Remove from office.

SECTION 6. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person charged shall be imprisoned in the county jail of Dodge county for such time as the council may by such ordinance direct, not exceeding forty days for any one offense, for which purpose the said city shall have the use of the common jail of Dodge county, and all persons committed to jail by virtue of this act, or pursuant to the ordinances, resolutions, or by-laws of said common council shall be under the charge of the sheriff of said county for the time for which they shall have been so committed. Respecting collection of fines.

CHAPTER VIII.

ORDINANCES.

SECTION 1. The style of all ordinances shall be: "The common council of the city of Mayville do ordain." Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by the council, shall not invalidate any such ordinance. Ordinances.

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a Ordinances to be published in a newspaper.

newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of the said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of the passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

Village ordinances to remain in force until repealed.

SECTION 3. All ordinances, by-laws, rules, regulations and resolutions now in force in the village of Mayville, Dodge county, Wisconsin, not inconsistent with this act, shall remain in force under this act until altered, modified, changed, amended or repealed by the common council, after this act shall take effect; and all such ordinances, by-laws, rules, regulations and resolutions shall, after this act shall take effect, and before the same shall be so altered, modified, changed amended or repealed, be taken, held, considered and declared on, as and to be ordinances, by-laws, rules, regulations and resolutions of said city, the same as if they had been duly passed and published, as provided in this act.

CHAPTER IX.

FINANCES AND EXPENDITURES.

Finances and expenditures.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of said council, as herein provided, and in no other manner.

Fines and penalties.

SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulations of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole, the word, "allowed," and the amount allowed shall be indorsed thereon, and if disallowed, the word, "disallowed" shall be indorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account and claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received.

Accounts against city shall be verified by affidavit.

SECTION 4. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city.

All orders shall specify for what drawn.

SECTION 5. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof, of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words, "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

Expenditures must be properly authorized.

No debt shall be contracted against city.

SECTION 6. No debt shall be contracted against the city, or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

CHAPTER X.

ASSESSMENT AND TAXATION.

Assessment and taxation.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

Assessment roll to be made out.

SECTION 2. On or before the first day of June of each year, the assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land.

Board of review.

SECTION 3. The mayor, city clerk, the city treasurer and the assessor shall constitute a board of review; said board shall meet annually on the last Monday of June; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state.

Return of assessment roll to common council.

SECTION 4. Immediately after the final adjournment of the board of review in each year, the assessor shall return the assessment roll to the common council by depositing the same with the city clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessor.

Special city taxes.

SECTION 5. On the third Tuesday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes and also the amount necessary to be levied for special purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to remain a lien upon lands.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sales or transfer of such real or personal property belonging to the

person taxed may be taken and sold for the payment of taxes upon personal property.

Abstract of the assessment rolls to be made.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Dodge, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at its annual meeting.

City to be regarded as a town.

SECTION 8. The board of supervisors shall regard the city of Mayville as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

How tax shall be levied.

SECTION 9. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Complete statement shall be made out.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax roll in such separate columns as may be necessary with the total footings carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Mayville," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Prima facie evidence.

SECTION 11. The tax roll made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done relating

to assessing or levying taxes, from the election of officers to the completion of the tax roll inclusive, has been done, regularly and correctly, as required by law.

Warrant shall be appended and signed by the mayor.

SECTION 12. Immediately after making out the tax rolls as aforesaid, a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of the said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall, on or before the 25th of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

Fees of city treasurer.

SECTION 13. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this charter. The fees of the city treasurer shall be the same as provided by law for town treasurers for similar services.

Delinquent list of lands.

SECTION 14. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dodge county, a list of all the lands, lots and personal property upon which taxes have not been paid, and shall make return of said taxes, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent tax due to said city.

WHO TO SELL DELINQUENT LANDS.

Who to sell delinquent lands.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Mayville, at the same time and in the same manner as other delinquent lands are sold in said county.

OF ERRORS.

Of errors.

SECTION 16. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate, or vitiate, or in anywise affect the validity of the assessment or tax.

Errors in assessment roll.

SECTION 17. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be reassessed or re-assessable, as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary.

General laws to be in force.

SECTION 18. All the general laws of this state which now or hereafter may be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

CHAPTER XI.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALKS.

Sidewalks constructed and repair of same.

SECTION 1. Sidewalks in said city shall be constructed only in the manner following, that is to say: Whenever a majority of the owners of the lots or of the lands on any street or part of street, or on one side of any block in said city, desire to have a sidewalk constructed along such street or part of street, or along the side of any block upon which their said lots or lands abut, they shall make and file with the city clerk a petition in writing, which petition shall describe the street or part of street, or the side of the block along which they desire such sidewalk to be constructed, and shall give the names of the owners of the lots or lands on such street, part of street or side

of block, so far as they shall be known to the petitioners, and designate the lots or land owned by each such owner.

Manner of procedure regarding sidewalks.

SECTION 2. At the next regular meeting after such petition shall have been so filed, the common council shall enter an order among its records, requiring a sidewalk to be constructed along such street, part of street, or side of block, as prayed for in such petition. The common council shall in such order designate and determine the street, part of street or side of block along which such sidewalk shall be so constructed, and the time within which the owner or owners of the lots or the lands along such street, part of street or side of block, shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them, within the time limited in said order, the city will construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or part of lot or lots, or to the lands along which the city shall have so constructed such sidewalks.

Order to be served on owner of lots by street commissioner.

SECTION 3. Within ten days after said order shall have been entered as aforesaid, the street commissioner of said city shall serve the same upon all the owners of the lots or the lands, on the street, or part of street, or side of block along which such sidewalk is to be constructed, personally, or by leaving a true copy thereof at the usual place of abode of such owners in said city. In case any owner or owners of any such lot or lots, or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the marshal, then such order shall be served on such non-resident, or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once, and at least ten days before the expiration of the time limited in said order for the construction of such sidewalks. As soon as the marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof,

and in case the said order shall have been published, as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof, in the usual form, subscribed and sworn to by the printer or publisher of a newspaper in which such order shall have been so published.

Owner may construct after order is issued.

SECTION 4. At any time after said order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands on the street, part of street or side of block along which such sidewalk is to be constructed may, at their own expense and in the manner, and of the width and material designated in such order, construct such sidewalk along said lot or lots, or part of lot or lots or along the said lands, owned by them respectively.

Examination of sidewalks ordered.

SECTION 5. Within ten days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of block, along which such sidewalk shall have been ordered to be so constructed, and within said ten days shall make and file with the city clerk a report in writing signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been, constructed in conformity with such order, and shall describe the lots or lands, if any, along which the sidewalk has been so constructed, as well as the lots or lands, if any, along which it has not been so constructed.

In case sidewalks has not been commenced the street commissioner to proceed at once.

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made or filed, direct the street commissioner to proceed at once to construct in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file

with the city clerk, a statement in writing, subscribed and sworn to by him, in which he shall state the total expenses actually incurred by him in so constructing that part of said sidewalk so constructed by him; and also the actual expenses incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land, along which it appears by his report, the owner or owners of such lot or part of lot or land had failed as aforesaid to construct such sidewalk. Sworn statement of costs to be made by commissioner.

SECTION 8. At any regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot, or lands in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot or part of lots or lands. Expense to be assessed by resolution.

SECTION 9. The clerk of said city shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions, so delivered to him as aforesaid; and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for non-payment thereof in the same manner and with the same effect as if said special tax had been a general town, county or state tax. Special charges to be charged in its roll.

SECTION 10. Whenever it shall be necessary, in the opinion of the common council, to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lots Repair of sidewalks.

or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners or of any one else shall be necessary to authorize the council to cause such sidewalk to be repaired or reconstructed; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any one lot or piece of land shall not exceed one dollar, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once proceed to repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots and lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

CHAPTER XII.

LAYING OUT, OPENING, ENLARGEMENT, ETC., OF STREETS, ETC.

Laying out streets.

SECTION 1. The common council shall have the power to lay out, open, widen and enlarge public squares, grounds, streets and alleys, as follows: Whenever ten or more freeholders residing in said city shall, by petition, represent to the common council that it is necessary to take certain lands within said city for the purpose of laying out any public squares, grounds, street or alleys, or the enlargement or widening of the same, and shall state in such petition the courses and distances, routes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to such owners as well as to the occupant or occupants of said land, if any there be, by causing notice thereof to be published for four weeks, at least once in each week, in a newspaper published in said city.

SECTION 2. Such notice shall describe, as near

as may be, the land proposed to be taken, and shall state that at a time and place therein to be named, not less than ten days from the expiration of the four weeks' publication of such notice, application will be made to the judge of the circuit or county court of Dodge county for the appointment of six jurors to view said land, and to determine whether it will be necessary to take the same for the purposes specified in said petition. Such notice shall be signed by the mayor and countersigned by the clerk.

Notice to describe the land proposed to be taken.

SECTION 3. Upon presentation to such judge of certified copies of such petition and notice, duly certified under the hand of the clerk and the corporate seal of said city, together with the proof of the publication of such notice, as hereinbefore required, the said judge shall thereupon select six reputable freeholders, residents of Dodge county, Wisconsin, but not of said city, not interested in the result of such application, as jurors, for the purpose aforesaid, and shall issue his precept directed to said jurors, and requiring them, within thirty days, to view said land, which shall be described in said precept, and to make return under their hands to the common council of said city whether in their judgment it is necessary to take said land for the purpose specified in said petition.

Six reputable freeholders to be selected.

SECTION 4. If any of the jurors so selected shall be disqualified from acting, or shall refuse to act, the judge shall select others in their places, and a memorandum of such substitution shall be endorsed on the precept.

In case any jurors are disqualified from acting.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer to the effect that they are freeholders of the said county of Dodge and are not interested in the land proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, and they shall, at such times as they may agree upon, proceed in a body to view the land in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jury, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Each juror to take an oath.

SECTION 6. After viewing the land and hearing such testimony as may be offered, the jurors

Jurors to determine whether it is necessary to take the land.

shall determine whether, in their judgment, it is necessary to take said lands for the public use mentioned in said petition, and shall make a report of their proceedings, which shall be signed by each of them, and in which they shall state whether in their judgment it is necessary to take the land in question for the public use mentioned in said petition, which said report, testimony and precept, together with the certified copies of the petition and notice, and proof of publication upon which said judge acted, shall be returned to the common council, within the time limited in said precept.

In case jurors report it is necessary.

SECTION 7. Should the jurors report that it is necessary to take said land for the purpose mentioned in said petition, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, on a day to be specified in said order, not later than sixty days from its date again to view said land, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the land proposed to be taken, and to assess and return within sixty days from the date of such order, such damages to the common council. And after the jurors shall have made their report, as to the necessity of taking any lands under this act, and the same shall have been confirmed, the county judge of said county shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above, and the new jurors so appointed shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, to the same effect as the oath hereinbefore required to be taken by the jurors first appointed.

In case there should be a building in whole or in part, on the land to be taken.

SECTION 8. If there should be any building, in whole or in part, upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove, and shall report such estimate and determination to the common council; whereupon the common council shall cause a notice to be given to the owner of such building, or his agent, to signify to the com-

mon council his election either to accept the award of the jurors and allow such land to be taken with the land appropriated, or his intention to remove such building. Such notice shall describe the building, specify the award of the jurors, and designate a day, not later than twenty days from the date of such notice, on or before which such election is to be signified, the time within which such building must be removed in case the owner elects to remove the same, and shall be served personally on the owner of such building, or his agent, if known, and a resident of said city, or left at his usual place of abode; if not known, said notice shall be served by publishing the same in a newspaper published in said city for two successive weeks.

In case owner refuse to take the building at its value.

SECTION 9. If the owner shall fail to take the building at its value to remove, as so determined by such jury, or fail to signify his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale, and the proceeds of such sale shall be paid to the owner or deposited to his use.

The jurors shall determine the damages.

SECTION 10. The said jurors shall, within the time limited, view and examine the lands proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners, the actual value in money of the land so proposed to be taken, and the injury resulting to such owner or owners in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimate of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sales thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such

building or buildings, according to section 8, of this chapter.

In case they belong to different parties.

SECTION 11. If the lands or buildings belong to different persons, or if the land is subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 12. The award of said jurors shall be signed by them, and returned with the testimony taken and the order mentioned in section 7, of this chapter, to the common council, within the time limited in such order.

In case party feels himself aggrieved.

SECTION 13. Any person whose property is proposed to be taken as hereinbefore provided, who shall feel himself aggrieved by the assessment of damages made by said jurors, may, within ten days after the return of said jurors is made to the common council, appeal from such assessment of damages to the circuit court of Dodge county, by causing a written notice of such appeal to be served on the clerk of said city, and by executing to said city and filing with said clerk a bond with two or more sufficient sureties in the penal sum of five hundred dollars, conditional that the appellant will pay to said city all the costs that it may sustain by reason of such appeal, in case the assessment of damages appealed from shall not be raised on the trial of such appeal. The common council shall also have the right to appeal from any assessment of damages made by such jurors, by filing with the clerk a notice of such appeal within ten days aforesaid. Within ten days after any appeal shall have been perfected as herein provided, the clerk of said city shall transmit to the clerk of the circuit court of Dodge county certified copies of the award of said jurors, and of the notice of appeal and of the bond, when a bond is required, which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have jurisdiction of said appeal, and said appeal shall be tried by said court and a jury, the same as if it were an appeal from the judgment of a justice of the peace. Within ten days after a judgment shall have been entered

on such appeal, the clerk of said court shall cause a certified copy of such judgment to be filed with the clerk of said city; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant (or respondent in case the city appeals), shall be taken and considered as the amount of damages to be paid by the city to such appellant or respondent, the same as if said jurors had originally fixed such damages at that sum in their award.

Land shall not be appropriated until damages are paid.

SECTION 14. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out.

Damages to be paid within one year.

SECTION 15. The damages assessed shall be paid, or tendered or deposited as herein provided, within one year from the time the award of said jurors shall have been returned to the common council, or in case an appeal has been taken from said award, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

Damages may be paid any time within the year.

SECTION 16. The city may at any time within the said year, pay, tender or deposit, as herein required, the damages assessed in any such case; and whenever said damages have been so paid, tendered and deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate the lands for the purposes required.

SECTION 17. When the whole of any tract or lot or other premises under lease or other contract

In case the land or part of it is under lease.

shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or other contracting parties touching the same or any part thereof, shall, upon the confirmation of such award respectively cease and be absolutely discharged.

In case only a part of it is under lease.

SECTION 18. When only part of a lot or tract of land or other premises so under lease, or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such award, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such revenue thereof, and no more shall be payable or recoverable for or in respect to the same.

In case of infant or incompetency.

SECTION 19. When any known owner of any lands or tenements affected by any proceeding under this charter shall be an infant or labor under any legal disability, the county judge of Dodge county may, upon application of the common council, or of such party or his next friend, appoint a guardian of such party for the purposes of said proceeding, and all notices required by this act, shall be served upon such guardian.

Accurate survey authorized.

SECTION 20. When any public grounds, streets, or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Expense of laying out streets to be paid out of general fund.

SECTION 21. The expense of laying out, opening, widening, enlarging, improving or repairing streets, alleys, roads, crosswalks and public grounds, shall be paid from the general fund, or funds expressly appropriated for that purpose.

CHAPTER XIII.

JUDICIAL, JUSTICE OF THE PEACE AND CONSTABLES.

Justice of peace and constable.

SECTION 1. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace,

and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by the mayor, and in addition thereto that they have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns, and shall qualify in like manner, except that their official bonds shall be approved by the mayor of the city, and together with the official oaths, shall be filed in the city clerk's office. Constables' fees shall be the same as provided by law for constables in towns. As judicial officers and courts the justices shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said justices, within said corporate limits, shall be coequal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Dodge county, and shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for their fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or of the ordinances, by-laws, rules, or regulations of said city.

How appeals may be taken.

SECTION 2. Appeals and writs of certiorari may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prosecutions in said justice courts, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state; provided, however, that no action or prosecution brought to recover a fine or penalty for the violation of any ordinance, by-law, rule, resolution or

regulation of said city, shall be removed from said justices to any justice without the limits of said city, but such actions and prosecutions may be removed from one of said justices to the other in the manner provided for removals in other cases by law.

Form of complaint.

SECTION 3. All offenses for which fines and penalties may be incurred for violating any of the provisions of this act, or of any ordinance, by-law, rule, resolution or regulation of said city, shall be treated as inferior crimes and misdemeanors, and shall be prosecuted in the name of the state of Wisconsin. The first process in all suits or prosecutions for such offenses shall be a warrant. Before any such warrant shall issue, a complaint under oath shall be filed with the police justice, which complaint shall be substantially in the following form, to wit:

The State of Wisconsin. }
County of Dodge, city of Mayville. } ss.
The State of Wisconsin, }
against } In justice court.
X. Y. (name of accused.) }

A. B., being duly sworn, says that on said —— day of ——, 188—, in said city, the said X. Y. (name or accused or alias), did violate section —— of chapter ——, of the charter of said city, or section —— ——, of ordinance No. —, of said city, entitled, "an ordinance" (describing it by its title), or section —, of a by-law, resolution or regulation of said city (describing it by its title) against the peace and dignity of the state of Wisconsin.

Subscribed and sworn to before me, this —— day of ——, A. D., 188—.

Form of warrant.

SECTION 4. It shall be sufficient to give the number and chapter of this act, or the section of the ordinance, by-law, resolution or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following form:

Dodge county — City of Mayville — ss.

The state of Wisconsin, to the sheriff or any constable of said county:

Whereas, A. B. has this day complained to me,

in writing, on oath, that on the —— day of ——, 18—, at said city, X. Y. (name of accused) did violate (state offense as stated in complaint) against the peace and dignity of the state of Wisconsin; now, therefore, you are commanded forthwith, to apprehend the said X. Y. and bring him before me to be dealt with according to law.

Given under my hand this —— day of ——, A. D. 188—.

——— ———,
Justice of the Peace.

Return of warrant.

SECTION 5. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the case, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize, with sufficient sureties, and in such sum as the court may order and approve for his appearance on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Dodge. The complaint made as aforesaid, shall be the only complaint required, and the plea of, "not guilty" shall put in issue all subject matter embraced in the action

Complaint and warrant may be amended.

SECTION 6. The complaint and warrant, or either of them, may be amended, and actions adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justices' court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justices' court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justices' courts under the general laws of this state.

What the findings of the court shall be.

SECTION 7. In all actions and prosecutions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, resolution or regulations of said city, the finding of the court shall be, "guilty" or

"not guilty." If "not guilty," the defendant shall be discharged by order of the court, and the police justice shall enter a judgment of costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against said city. If the finding of the court shall be "guilty," the court shall render judgment thereon against the defendant, for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-law, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order, and the public good in said city, and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Dodge county for such time, not exceeding forty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

Form of judgment.

SECTION 8. In case the finding of the court be "guilty," as provided in the preceding section, the judgment of the court shall be substantially in the following form:

"The court having found the defendant, X. Y., guilty, as charged in the complaint, it is now here adjudged by the court that the said defendant, X. Y. pay a fine of ——— dollars, and the costs of this suit, taxed at ——— dollars, and ——— cents; in all the sum of ——— dollars, and ——— cents, fine and costs, and that in default of payment of the said sum, ——— dollars and ———, fine and costs, the said defendant, X. Y., be imprisoned in the county jail of Dodge county for the term of ——— days from the ——— day of ———, 18— (inserting here the date of the rendition of the judgment)."

Form of commitment.

SECTION 9. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment, which shall be substantially in the following form:

Dodge County, } ss.
City of Mayville. }

The state of Wisconsin, to the marshal of said city, the sheriff or any constable of said county, and to the keeper of the common jail of said county:

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated the said X Y. was convicted of having on the —— day of ——, 18—, at said city of Mayville, in said county of Dodge, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of —— dollars and the costs of suit taxed at —— dollars and —— cents; in all, the sum of —— dollars and —— cents, fine and costs, and that in default of payment of the said sum of —— dollars and —— cents, fine and costs, the said X. Y. should be imprisoned in the common jail of said Dodge county for the term of —— days, from the —— day of ——, A. D. 18—; and whereas, there has been and is default in the payment of the said sum of —— dollars and —— cents fine and costs; now therefore, you the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said ——days, or until he shall be thence discharged by due course of law.

Given under may hand the —— day of ——, A. D. 18—.

—— ——,
Justice of the Peace.

To be sent to the circuit court for appeal.

SECTION 10. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city, may appeal from the judgment of conviction to the circuit court of Dodge county; as provided by law in other criminal cases.

How appeals to be conducted in circuit court.

SECTION 11. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts, under the general laws of this state, and the judgment of such court shall be

shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor, and to relet the work anew.

Penalty for collusion.

SECTION 3. Every member of the common council of the city of Mayville who shall directly or indirectly vote to himself or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections; any member of the common council, or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness, for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before the police court, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

City to assume village rights.

SECTION 4. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts incorporating the village of Mayville, shall be vested in and prosecuted by the corporation hereby created.

City may hold real estate.

SECTION 5. The said city may have, purchase or hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

How property may be deeded by city.

SECTION 6. When the city of Mayville deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Mayville, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

THE MAYOR TO EXECUTE LEASES.

Mayor to execute lease.

SECTION 7. The mayor of said city is hereby authorized, when the common council shall, by a

two-thirds vote, so direct, and shall, by ordinance or resolution, describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

DEEDS AND LEASES TO BE RECORDED.

Deeds and leases to be recorded.

SECTION 8. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease and such copy so attached and the record thereof shall, in all courts of this state, be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease; provided, that the provisions of this section shall not apply to deeds issued by said city to lots in any cemetery belonging to said city.

Connection between towns to cease.

SECTION 9. On and after the first Tuesday in April, A. D. 1885, the connection between the town of Williamstown, and that part of said town included within the limits of the city of Mayville for all town purposes shall be dissolved; all that part of the town of Williamstown not included within the limits of the city of Mayville, shall constitute the town of Williamstown, and the first town meeting shall be held at the usual place of holding such meeting heretofore, and it shall be lawful for said town to hold its election poll within the limits of said city of Mayville, both for town meetings and general elections, and for the transaction of all other business of said town.

City to constitute an election precinct.

SECTION 10. On and after the said first Tuesday in April, the said city of Mayville shall constitute an election precinct for all purposes, and the mayor and any two of the aldermen of said city shall constitute the inspectors and clerk of election at any general election held therein, and said elections shall be conducted in the same manner as is provided by law for the general elections in towns and the votes cast at such elections in said pre-

cinct shall be canvassed, certified and returned as provided by the laws of this state for the canvass and return thereof by town inspectors of elections.

City to maintain its own poor.

SECTION 11. The said city shall, from and after the said first Tuesday in April, support and maintain all poor residing within the limits thereof, heretofore supported and properly chargeable to said town of Williamstown, and the laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

City shall maintain all bridges.

SECTION 12. From and after the said first Monday in April, the said city shall keep up and maintain all bridges within the corporate limits of said city, and the common council of said city may appropriate money to the town of Williamstown to aid in the construction and maintenance of bridges in said town, whenever in any one year said town shall incur an expense therefor of one thousand dollars or over; provided, that no such appropriation shall be made unless a majority of the electors of said city shall have voted therefor according to the provisions of section 5, chapter 9, of this act.

General bridge law to prevail.

SECTION 13. The general laws for the preservation of bridges, and the punishment provid d by such laws for willful and malicious injuries done thereto, are hereby extended to and shall include all of the bridges erected or owned by said city, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council of said city may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties.

City to constitute one road district.

SECTION 14. The said city shall constitute one road district for highway purposes, and the common council shall have exclusive authority to levy taxes for street and highway purposes therein, and the warrant and tax roll for highway taxes levied by them shall be made out by the clerk of said city, and delivered to the street commissioner

of said city, who shall be *ex-officio* overseer of streets and highways therein.

Schools shall not be affected.

SECTION 15. This act shall not in any manner change or affect the common or high schools of said town of Williamstown or city of Mayville, or the organization of school districts therein, but said schools and school districts shall in all things remain the same as if this act had not been passed.

Village plats to be adopted.

SECTION 16. The plats of the village of Mayville and of the additions thereto are hereby adopted as the plats of the city of Mayville and of the inhabitants thereto, and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the orignal plat of the village, now city of Mayville," or "the plat of Barney's addition to the village, now city of Mayville," and in like manner with the plats of the other additions, or in any other manner that shall designate said real estate with reasonable certainty.

Penalty for failure to perform duties.

SECTION 17. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties, and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city.

City to succeed to possession of village property.

SECTION 18. The city of Mayville shall succeed to all the property, rights of property, and to all the rights, privileges and franchises owned or enjoyed by the village of Mayville at the time this act takes effect, and shall be subject to and liable to pay all the debts and liabilities of said village existing at said time, in the same manner and to the same extent as the said village would continue to be, had not this act been passed.

Does not repeal.

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repealing section.

SECTION 20. All acts and parts of acts heretofore passed for the incorporation of the village of Mayville, and all acts amendatory thereof, not necessary to carry out any of the provisions of this act, and all acts inconsistent with this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty or demands that may have been entered into, performed, commenced or that may exist under, or by virtue or in pursuance of the said act, or any of them; but the same shall exist and be in force, and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

PUBLIC ACT.

Public act.

SECTION 21. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 22. This act shall take effect and be in force from and after its passage.

Approved March 24, 1885.

[No. 49, A.] [Published March 26, 1885.]

CHAPTER 131.

AN ACT to amend section 4, of title 9, and section 10, of title 4, of the revised and amended charter of the city of Beloit, being chapter 209, of the general laws of Wisconsin, approved March 24, 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section four of title nine of chapter 209 amended..

SECTION 1. Section 4, of title 9, of chapter 209 of the laws of Wisconsin, approved March 24, 1882, entitled, "An act to revise and amend the charter of the city of Beloit, and the several acts amendatory thereof," be so amended that said section 4, shall read as follows: Section 4. Appeals shall be allowed in all cases from the police

court to the circuit court for Rock county or to the municipal court for Rock county, and shall be taken in the same manner and within the same time provided by law for appeals from justices of the peace, and actions and proceedings may be removed from said police justice as provided in section 1, title 9, of chapter 209, of the laws of Wisconsin, approved March 24, 1882. And all other civil cases and criminal actions or proceedings before the police justice may be removed from such police justice as provided by the general laws of this state, relating to the removal of civil suits and criminal actions or proceedings before a justice of the peace; and in any such case the police justice shall transmit such actions or proceedings and all papers relating thereto to one of the justices of the peace of said city. And such justice of the peace shall thereupon proceed to hear, try and determine the same in the same manner as it would have been lawful for the said police justice to have done if such removal had not been made.

Section ten of title four of chapter 209 amended.

SECTION 2. Section 10, title 4, of said chapter 209, is hereby amended by inserting, after the word, fires, in the third line of said section the following: And said city may by contract or ordinance grant to any persons, company or corporation, the full right and privilege and empower and authorize such persons, company or corporation to build for themselves and own such waterworks, to maintain, operate and regulate the same. And the said city may, by such contract or ordinance, rent fire hydrants of such person or persons, partnership or corporation, for such period and upon such terms, conditions and limitations as its common council, in its discretion, may fix in such contract or ordinance; and in that event a sufficient special tax, payable in money, may annually be assessed, levied and collected upon all real and personal property within said city, except such as may be exempt by the laws of the state, to meet the payment for rent of fire hydrants. When, and as they will respectively mature during the existence of any contract for hydrant rentals, the proceeds of which tax shall be kept as a separate fund, known as "Fire Hydrant Fund," and shall be exclusively devoted

to the payment of such hydrant rentals and shall not be otherwise employed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1885.

[No. 305, S.] [Published March 27, 1885.]

CHAPTER 136.

AN ACT to amend chapter 221, of the laws of 1882, entitled, "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same," also to amend chapter 78, of the laws of 1883, entitled, "an act to amend the fourth subdivision of section 23, of chapter 7, and chapters 2 and 9, of chapter 221, of the laws of 1882, entitled, "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof into one act, and to amend the same," by striking out sections 2, 3, 4, 5 and 6, of said chapter, and to repeal chapter 106, of the laws of 1885."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section two of chapter two chapter 221 amended.

SECTION 1. Section 2, of chapter 2, of chapter 221, of the laws of 1882, is hereby amended, by inserting after the word, "attorney," in the fifth line of said section, the word, "two," and by adding to the word "commissioner," in the same line, the letter "s," so that said section when so amended shall read as follows: Section 2. The municipal government of said city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be a clerk, treasurer, city attorney, two school commissioners-at-large, two justices of the peace, sealer of weights and measures, and one constable, supervisor and school commissioner for each ward, and a street commissioner and city marshal.

SECTION 2. Section 3, of chapter 2, of chapter 221, of the laws of 1882, is hereby amended by

striking out all after the word, "at" in the first line of said section, and before the word, "at" in the ninth line of said section, and inserting in lieu thereof the following: "The election which shall be held on the first Tuesday of April, 1885, there shall be elected by the qualified electors of said city a mayor, clerk, sealer of weights and measures, a school commissioner-at-large, and a justice of the peace, who shall hold their respective offices for the term of two years, and a treasurer and school commissioner-at-large, who shall hold their respective offices for one year; and there shall also be elected on the first Tuesday in April, in the year 1886, a treasurer, city attorney, a justice of the peace, and a school commissioner-at-large, who shall hold their respective offices for the term of two years, and the aforesaid city officers shall thereafter be elected for the term of two years at the annual city election which next precedes the expiration of the respective terms of said offices;" so that said section, when so amended, shall read as follows: Section 3. At the election which shall be held on the first Tuesday of April, 1885, there shall be elected by the qualified electors of said city, a mayor, clerk, sealer of weights and measures, a school commissioner-at-large, and a justice of the peace, who shall hold their respective offices for the term of two years, and a treasurer and school commissioner-at-large, who shall hold their respective offices for one year; and there shall also be elected on the first Tuesday in April in the year 1886, a treasurer, city attorney, a justice of the peace, and a school commissioner-at-large, who shall hold their respective offices for the term of two years, and the aforesaid city officers shall thereafter be elected for the term of two years at the annual city election which next precedes the expiration of the respective terms of said officers. At such annual election there shall also be elected by the qualified electors of each ward an alderman, who shall hold his office for two years; a constable and supervisor, who shall hold their respective offices for one year; and every two years there shall be elected by the qualified electors of each ward a school commissioner, who shall hold his office for two years. All officers of said city heretofore elected under its charter shall hold their respective offices until the ex-

Section three of chapter two of chapter 221 amended.

piration of the term for which they were elected, and nothing in this act shall be so construed as to authorize the election of any mayor, clerk, treasurer, city attorney, school commissioner at-large, justice of the peace, sealer of weights and measures, alderman, school commissioner, supervisor, constable or other officer whose term of office shall commence before the expiration of the terms of office of any such officers heretofore elected under the charter of said city. All elective officers specified in this act shall hold their respective offices for the term provided in this act and until their successors are elected and qualified. All other officers named in this act, and which are not by this act declared elective, shall be appointed by the common council by ballot.

Section two of chapter nine of chapter 221 amended.

SECTION 3. Section 2, of chapter 9, of chapter 221, of the laws of 1882, is hereby amended by inserting after the word, "elected" where the same occurs for the first time in said section the words, "together with the school commissioners-at large," so that said section when so amended shall read as follows: Section 2. The said school commissioners so elected together with the school commissioners-at-large, shall constitute a board to be styled, "The board of education of the city of Janesville." Said board shall appoint and hold stated monthly meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year, the members thereof shall elect one of their number president, and whenever he shall be absent, a president pro tem, may be appointed; they shall also appoint a clerk, and fix his compensation which shall not exceed the sum of three hundred dollars per annum; and he shall hold his office during the pleasure of the board. The said commissioners shall not receive any compensation for their services.

Section two, three, four, five, and six of chapter 78 repealed.

SECTION 4. Sections 2, 3, 4, 5 and 6 of chapter 78, of the laws of 1883, are hereby repealed, and section 4, of chapter 2, of chapter 221 of the laws of 1882 is hereby re-enacted and shall read as follows: Section 4. The common council may appoint a street commissioner and a city marshal, and may remove and displace both, or either of them at its pleasure, and shall fix the rate of compensation

to be paid to each, and they shall not receive any greater compensation than that so fixed.

SECTION 5. Chapter 106, of the laws of 1885, is hereby repealed. Chapter 106 repealed

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1885.

[No. 19, A.] [Published March 30, 1885.]

CHAPTER 140.

AN ACT to incorporate the city of Cumberland.

The people of the state of Wisconsin represented in ssnate and assembly, do enact as follows:

CHAPTER I.

THE CITY OF CUMBERLAND, ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Barron, in the state of Wisconsin, hereinafter described, is hereby set off and separated from the town of Cumberland, and shall be a city by the name of Cumberland and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Cumberland, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure. Corporate name.

CHAPTER II.

CITY AND WARD BOUNDARIES.

SECTION 1. The north half of section number eighteen, all of sections number six and seven, all City boundaries.

being in township number thirty-five north, of range number thirteen west, in the county of Barron and state of Wisconsin, shall be included in and constitute the limits of the city of Cumberland.

Ward boundries.

SECTION 2. The city shall be divided into three wards, called first, second and third wards, limited and bounded as follows: All that portion of said city lying south of a line drawn east and west along the centre of Elm street and extended east and west from end of Elm street to the east and west boundaries of said city, shall constitute the first ward. And all that portion of said city lying north of the aforesaid line of Elm street and south of a line drawn through the center of Water street, in Griggs, Foster & Miller's addition to Cumberland, east and west, and extended east and west from the ends of Water street to the east and west boundaries of said city, shall constitute the second ward. And all that portion of said city lying north of the aforesaid line of Water street, and the extensions east and west, shall constitute the third ward.

CHAPTER III.

ELECTIONS.

Elections.

SECTION 1. The annual election of ward and city officers shall be held on the first Tuesday in April in each and every year at such place in each ward as the common council shall designate, and the polls shall be kept open from one o'clock in the afternoon until five o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected; provided, that of the first election under this charter a notice of three days shall have the same force and effect as that of the longer time hereinbefore mentioned.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, an assessor, and a police justice, elected by and for the city at large, and two aldermen, one justice of the peace, and one constable, to be elected by and for each ward; also one supervisor to represent his ward in the board of supervisors of Barron county, to

be elected by each ward. The mayor, treasurer, assessor and police justice shall be qualified voters in the said city, and the ward officers aforesaid shall be qualified voters in the ward for which they were elected. The city clerk, attorney, marshal, and all other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justice of the peace, shall unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own members, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council when complained of for cause until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

In case of vacancy how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer, police justice or alderman, such vacancy shall be filled by a new election which shall be ordered by the common council within ten days after such vacancy shall occur; any vacancy happening in any other office shall be filled by the common council; the person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Election shall be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall have

resided in the ward where they offer their vote ten days next preceeding such election, shall be deemed qualified electors of said city and ward.

Inspectors of election and manner of conducting the same.

SECTION 6. The election in said city shall be held and conducted by the alderman and supervisor of each ward who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations as by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the inspectors of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

In case of illegal voting.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: You do solemnly swear (or affirm as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization), that you have resided within the state of Wisconsin one year, that you are an actual resident within this city and ward, and that you have not voted at this election, and that you have made no bet or wager or become directly or indirectly interested in any bet or wager depending on the result of this election. And if the person appearing to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information, shall suffer the punishment provided by law for perrons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay to the city of Cumberland a sum not exceeding two hun-

dred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if an inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment and on conviction thereof shall severally forfeit and pay to said city a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of Barron county.

Canvassing votes.

SECTION 8. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within three days after any election. The common council shall on the fourth day after such election meet and canvass said return and declare the result as it appears from the said returns, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections how filled.

SECTION 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the alderman and supervisor of each ward in the same manner, and the returns thereof shall be made in the same manner as general or annual elections, and within such time as may be prescribed by ordinance.

Vacation in office.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

SECTION 11. There shall be elected at the first

Election of ward aldermen.

election under this act, one alderman for each ward, who shall hold his office for two years, and one alderman for each ward who shall hold his office for one year; and thereafter, at each annual election, one alderman in each ward who shall hold his office for two years. There shall each year also be elected a supervisor for each ward to represent the city in the county board of supervisors, who shall hold his office one year; provided that the first election under this act shall be held at one place, to be designated by the village board of the village of Cumberland, and said board shall act as inspectors of such election and shall prescribe the manner of holding and conducting such election, and shall provide ballot boxes for the reception of ballots from the qualified voters of the respective wards, and shall canvass and make returns of the result of such election as provided by this chapter and the general laws of this state.

Votes to be in one ballot.

SECTION 12. The votes for aldermen and all other elective officers shall be on one ballot and shall be deposited in one ballot box.

Ballots how written.

SECTION 13. At the first election aforesaid, there shall be written or printed, or partly written and partly printed, at the head of the votes for alderman for two years the words, "alderman for two years," and at the head of the votes for alderman for one year the words, "alderman for one year."

Village officers to hold until their successors are elected.

SECTION 14. All the village officers of the village of Cumberland shall hold their respective offices until their successors shall be elected or appointed under this act, and the term of every officer elected under this act shall commence the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Present village board to perform election duties.

SECTION 15. All duties herein required of the city council in regard to elections, shall be performed, so far as may be necessary by the present village board in regard to the first election and the organization of the city government under this act.

When first election shall be held.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1885. The election of

justices of the peace shall be held at the same time and place and so held every two years thereafter, and the justices of the peace now residing in the village of Cumberland shall hold their offices until their term of office expire in addition to any justices who may be elected under this act.

In case of failure to elect.

SECTION 17. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place, and naming the offices to be filled, first being given.

CHAPTER IV.

OFFICIAL OATH AND BOND OF CITY OFFICERS.

Oath of office and bond of officers.

SECTION 1. Every person elected or appointed to fill any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Cumberland a bond with at leat two sureties, who shall swear that they are worth in the aggregate penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new additional bonds and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 2. The mayor shall be present and preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other dis-

Election of ward aldermen.

election under this act, one alderman for each ward, who shall hold his office for two years, and one alderman for each ward who shall hold his office for one year; and thereafter, at each annual election, one alderman in each ward who shall hold his office for two years. There shall each year also be elected a supervisor for each ward to represent the city in the county board of supervisors, who shall hold his office one year; provided that the first election under this act shall be held at one place, to be designated by the village board of the village of Cumberland, and said board shall act as inspectors of such election and shall prescribe the manner of holding and conducting such election, and shall provide ballot boxes for the reception of ballots from the qualified voters of the respective wards, and shall canvass and make returns of the result of such election as provided by this chapter and the general laws of this state.

Votes to be in one ballot.

SECTION 12. The votes for aldermen and all other elective officers shall be on one ballot and shall be deposited in one ballot box.

Ballots how written.

SECTION 13. At the first election aforesaid, there shall be written or printed, or partly written and partly printed, at the head of the votes for alderman for two years the words, "alderman for two years," and at the head of the votes for alderman for one year the words, "alderman for one year."

Village officers to hold until their successors are elected.

SECTION 14. All the village officers of the village of Cumberland shall hold their respective offices until their successors shall be elected or appointed under this act, and the term of every officer elected under this act shall commence the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Present village board to perform election duties.

SECTION 15. All duties herein required of the city council in regard to elections, shall be performed, so far as may be necessary by the present village board in regard to the first election and the organization of the city government under this act.

When first election shall be held.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1885. The election of

justices of the peace shall be held at the same time and place and so held every two years thereafter, and the justices of the peace now residing in the village of Cumberland shall hold their offices until their term of office expire in addition to any justices who may be elected under this act.

In case of failure to elect.

SECTION 17. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place, and naming the offices to be filled, first being given.

CHAPTER IV.

OFFICIAL OATH AND BOND OF CITY OFFICERS.

Oath of office and bond of officers.

SECTION 1. Every person elected or appointed to fill any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Cumberland a bond with at leat two sureties, who shall swear that they are worth in the aggregate penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new additional bonds and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 2. The mayor shall be present and preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other dis-

turbance or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objection thereto at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and in case the council shall not within one week after the receipt of such objections or such filing with the clerk so enact such ordinance, or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of council.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their members president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The temporary presiding officer, or the president, while presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds, and the said common council shall also at their first meeting in each year, elect a clerk and marshal for the city, who shall hold their respective offices for one year and until others are elected and qualified.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office and transcripts from the records of the common council certified by him, to have been compared by him with the original and to be a correct transcript therefrom under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages and the renewals so filed shall be as valid and legal as if the same had been filed in the town clerk's office in any town; and all chattel mortgages, bills of sale, documents and records on file, and in the office of the village clerk of the village of Cumberland at the time this act shall take effect, shall be transferred to the office of the clerk of the city of Cumberland. The clerk shall have power and authority to administer oaths or affirmations. Duties of clerk.

SECTION 5. The justices of the peace under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council, and in addition thereto they shall have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided, and shall hold their offices in their respective wards for which they were elected. All constables elected by virtue of this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns. Jurisdictions of justices of the peace.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordi- Duties of treasurer.

nances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things, coming into his hands as treasurer in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amounts of the several sums was received. Which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and be governed by the same laws as treasurers of towns, provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of city marshal.

SECTION 7. The city marshal shall attend all the meetings of the common council, when requested by the mayor, and shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinances of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person

in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

Oath and further duties may be required.

SECTION 8. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official newspaper.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders, provided they are reasonable and not higher than the usual price for such printing.

Printed copy to be furnished with affidavit.

SECTION 10. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 11. If any person having been an officer in said city shall not, within ten days after

notification and request, deliver to his successor in office, all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may secure possession of such books, papers and effects in the manner provided by the laws of this state.

Shall not be interested in any job or contract.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city; or any of the wards of said city; and any contract in which any aldermen may be so interested shall be null and void, and in case any money shall have been paid, on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same.

Officers of the peace, by whom constituted.

SECTION 13. The mayor or acting mayor, sheriff of Barron county, each and every alderman, police justice, justices of the peace, marshal, under sheriff and deputy sheriff of Barron county, constable, policeman and watchman shall be officers of the peace, and may command the peace, and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all by-standers, and if need be, of all citizens; and if any person, or by-stander, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case when the civil power may be so required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceeding.

Election of surveyor and engineer.

SECTION 14. There may be elected by the common council a city surveyor who shall be practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with the books and papers ap-

pertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

Powers of police justice defined.

SECTION 15. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace in which the city is a party; but warrants returnable before said police justice may be issued in criminal cases by any other justice in the city; but no fees shall be received therefor by said justice. The police justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeitures or penalty under any by-law, ordinance or regulation of the said city of Cumberland or its charter or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-laws, ordinance or regulation shall be commenced in the name of the city of Cumberland, and the same proceedings shall be had in all criminal and civil suits before said justice when not otherwise herein directed as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; provided, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery, or breach of the peace, or any affray not indictable, committed within the city limits, defendant shall have the same right of appeal under the same provisions and requirements as now are or may be provided for taking appeals from justices of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, or in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, said justice shall

have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars. The said police justice shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or power of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice, or for any sufficient reason the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said police justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment or appoint some other justice of the peace, any the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

Police justice to make report.

SECTION 16. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city, and said justice shall be entitled to secure from the county of Barron, such fees in similar cases as are allowed to other justices in the county for similar services.

Duties of assessor.

SECTION 17. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns, and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

SECTION 18. The city attorney shall perform all professional services incident to the office, as prescribed by this charter, and the ordinances, resolutions or by-laws of said city, and when notified shall appeal and conduct all prosecutions, when the city is a party, and in all civil actions when the city is plaintiff, and all defenses when the city is a party, and when required shall furnish written opinions to the council or its committees. City attorney.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services and the style of all ordinances shall be, "The mayor and common council of the city of Cumberland do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum. Common council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules and qualifications of its own members, and have the power to compel the attendance of absent members. First annual meeting when held.

SECTION 3. The common council shall have the management and control of the finances except school moneys, and of all the other public property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient, declaring and imposing penalties, Control and management of finances.

and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws, are hereby declared to be, and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-law:

Power to grant licenses.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law. And may grant licenses for, and regulate groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous, malt, or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous, malt or fermented liquors, shall not be less nor more than the amount fixed by the laws of this state or acts hereafter passed.

Gambling and fraudulent devices.

2d. To restrain, prohibit and suppress all description of gambling and fraudulent vices and practices and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, vinous, malt or fermented liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Riots.

3d. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Cumberland, by reason of his or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

4th. To compel the owner or occupant of any

grocery, tannery, cellar, tallow chandler's shop, soap factory, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Unwholesome places.

5th. To direct the location and management of slaughter-houses, and markets, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other combustible materials. Slaughter-houses and gunpowder.

6th. To prevent the incumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine or hard wood, or any other materials or substances whatever. Incumbering of streets.

7th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Racing and immoderate driving.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry, and geese, and all other animals and birds, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceeding. Restrain cattle.

9th. To prevent the running at large and direct the muzzling of dogs, and to authorize the destruction of the same in a summary manner, when at large or unmuzzled, contrary to ordinance. Dogs.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person or persons who shall have upon his premises any such substance, putrid or unsound beef, or fish, hides, skins or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for supplying of water to the inhabitants; to erect lamps and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, Pound, hacks and lighting streets.

cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of health. 12th. To establish and regulate boards of health, provide hospitals, pest-houses and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread. 13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks. 14th. To prevent all persons riding or driving any ox, mule, horse, cattle or other animal on the sidewalk in said city, or in any way doing damage to such sidewalks.

Shooting of fire-arms. 15th. To prevent the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any inhabitant thereof.

Restrain drunkards. 16th. To restrain drunkenness or obscenity in the streets or public places in said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors. 17th. To restrain and regulate runners and solicitors for stages, public-houses or other establishments, and to establish and regulate the police of the city.

Public markets. 18th. To establish public markets, and make rules for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from interruping and interfering with the due observance of such rules and regulations.

Markets. 19th. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Hay and fuel. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow and rubbish. 21st. So compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys oppo-

site thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officers of the city, at the expense of such owners or occupants.

Infectious or contagious diseases.

22d. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such provisions for the disposition of such persons as to preserve the health of the city.

Auctions.

23d. To regulate the time place and manner of holding public auctions or vendues, and to license the same.

Watchmen and their duties.

24th. To appoint watchmen and prescribe their duties.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures and for the punishment of the use of false weights and measures.

Protect monuments.

26th. To protect trees and monuments in said city.

Sewers.

27th. To prescribe and regulate the construction of sewers within said city.

Highways.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, and alleys, and to keep them free from incumbrances, and to protect them from injury.

Change the name of streets.

29th. To alter or change the name of any street in said city.

Ordinances and police regulations.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

License breweries.

31st. To direct the location and regulate and license breweries, tanneries and packing houses.

Ordinances—how passed.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper, or papers of said city once,

before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, by-laws or regulations shall be recorded, the publication thereof, respectively, within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper and said affidavit shall be recorded therewith and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance regulation or by-law and the proof of such record certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Shall not bar or hinder suits.

SECTION 5. The powers conferred upon the said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, malt or fermented liquors are sold without license as required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examine and adjust accounts.

SECTION 6. The common council shall examine audit and adjust the accounts of the clerk, treasurer, marshal and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or re-

fuse to render his accounts or present his boo ks, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Corporate authority in whom vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as may be created under this act.

CHAPTER VI.

CITY FUNDS AND ORDERS.

City funds and orders.

SECTION 7. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the orders of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness, of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Annual tax levy.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Regarding bonds.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at day subsequent to

the date of the issue thereof, except in cases specially authorized by law and duly authorized by a majority vote of the electors of the city, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding five hundred dollars in any one year, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Outstanding debts to be paid.

SECTION 4. Taxes may be levied by the common council at any regular meeting for the purpose of paying outstanding indebtedness of the village of Cumberland and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act or by authority of law. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Duty of city clerk.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Barron by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision and executing a bond to said city with sufficient surety to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court.

Claims to be first presented before action can be maintained.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council or shall take such measures as by ordinance or resolution of said common council he may be required to do and shall make out a brief return of the proceedings in the case before said council with their decision thereon and shall file the same together with the bond and all papers in the case in his possession with the clerk of the circuit court for

the county of Barron, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance the appellant shall pay the costs of appeal which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Regarding actions against city.

SECTION 8. No action shall hereafter be maintained by any person against the city of Cumberland upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city, and neither the said city, nor any ward thereof, nor officer within said city shall be liable for any damage that may happen by reason of any defect in any sidewalk in said city unless the street committee, mayor or common council shall have first had actual notice of such defect and reasonable time thereafter to repair the same, or unless the same shall have existed for so long a time that notice may be presumed.

Determination of board to be final.

SECTION 9. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim unless an appeal shall be taken from the decision and determination of such council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Opening of streets and alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys and to widen the same, as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, routes and bounds of the lands proposed to be taken, together with the names and residences of the owner of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper or papers, four weeks successively, at least once in each week.

What such notice shall state.

Section 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Barron for the appointment of twelve jurors to view said premises and to determine whether it will be necessary to take the same for the purposes specified in said petition.

Twelve freeholders to be appointed as jury.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner, shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept,

directed to said jurors, requiring them within ten days to view the premises, to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

City marshal to serve precept.

SECTION 4. The city marshal shall serve said precept immediately on the jurors therein named, by reading the same to every one that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

New jurors may be substituted.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places and a memorandum of such substitution shall be endorsed on the precept.

Oaths.

SECTION 6. The said judge or court commissioner, or any justice of the peace shall thereupon administer an oath to said jurors, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to proceed in a body to view premises.

SECTION 7. The said jurors at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept, shall be returned to the

common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors within twenty days thereafter, or at such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above, and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

In case there is a building on premises.

SECTION 8. If there should be any building in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice to be given.

SECTION 9. At least ten days' personal notice of such determination, shall be given to the owner or his agent if known, and a resident of the city, or left at his usual place of above. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election, to the common council, either to accept the award of the jurors and allow the building to be taken, with the land appropriated, or their intention to remove such

building. He shall have such time for this purpose as the common council may allow.

In case owner refuses to take building.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

The jurors shall determine the damages.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners, the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove; in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this chapter.

If the lands or buildings belong to different parties.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate, in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 13. The award of said jurors shall be signed by them, and returned together with the testimony taken and the precept to the common council, within the time limited in such precept.

Appeal may be made within ten days.

SECTION 14. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of

Barron county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 6, of chapter 5, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Damages to be first tendered.

SECTION 15. The land required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof or a party entitled thereto, shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or agent, cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out.

To be paid within one year.

SECTION 16. The damages assessed shall be paid, or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

City may deposit within the year amount awarded.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report of the damages assessed in any such case, and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

Contracts to be absolutely discharged.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report respectively cease and be absolutely discharged.

In case part of premises are under lease.

SECTION 19. When only part of a lot or tract of land or other premises so under lease or other

contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

In case of infant or legal disability.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under any legal disability, the judge of the circuit court of Barron county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Accurate survey authorized.

SECTION 21. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING TAXES.

All property subject to taxation shall be assessed.

SECTION 1. All property, real or personal, within the city, except as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor and make such rules and regulations in relation

to revising altering or adding to such rolls as they may from time to time deem advisable,

One week's notice shall be given in official paper.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alteration or reduction as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Return of assessment roll.

SECTION 3. Within one week after the time limited for the hearing of such objections the assessor shall return the assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; provided, however, the board of equalization shall not have the power to increase the amount of said roll except by the value of such real or personal property as may have been omitted by the assessor.

In case of omission in the roll.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying the same,

but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be (relevied) in such manner as they shall, by ordinance, direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract and shall be collected as other taxes and assessments are collected under this act.

Board of equalization by whom constituted.

SECTION 5. The mayor, city clerk, city treasurer and the assessor shall constitute the city board of equalization and shall meet on the first Monday of July each and every year at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed so far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof.

Revised roll to be filed with the clerk.

SECTION 6. When the assessment roll shall have been revised and corrected the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purpose for which the same are levied.

Changes to be recorded.

SECTION 7. All changes of assessment roll by the board of equalization shall be duly recorded by the city clerk.

Taxes to remain a lien.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the delivery of the warrant for the collection thereof until such taxes shall be paid.

City clerk to carry out tax

SECTION 9. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection in an additional column prepared for that purpose in the assess-

ment roll, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Duplicate copies to be made.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

A warrant to accompany roll.

SECTION 11. To each assessment roll so delivered, a warrant under the hand of the city clerk and the corporate seal of said city, shall be annexed substantially in the following form:

Form of warrant.

The state of Wisconsin, to the city treasurer of the city of Cumberland, in the county of Barron:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owner of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person and corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporations so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county on or before the last Monday in January next, the sum of —— for state taxes, and the further sum of —— for county taxes, and the balance of said money you are required to retain and pay out according to law, and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Barron.

Given under my hand and the corporate seal of the city, this —— day of ——, 18—.

——— ———,
City Clerk.

Shall be prima facie evidence of genuineness.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons

therein named were subject to taxation, and that the assessment was just and equal.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided. General laws shall govern.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer he shall give public notice in a newspaper published in said city, that such tax list, describing for what purpose such taxes are levied, has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written or printed notices in as many public places in said city. Public notice to be given by treasurer.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. on all taxes collected by or paid to him prior to the 10th day of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said 10th day of January, and in case of a distress or sale made by him, of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified upon oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than Treasurer's fees.

as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

State tax when to be paid.

SECTION 16. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the lots and tracts of land and personal property of said city.

Directions only directory.

SECTION 17. All the directions hereby given for the assessing of lands and the collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

How proceedings may be instituted.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside or to set up or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such persons shall first pay or tender to the proper party, or deposit for his use with the city treasurer the amount of all state, county and city taxes that remains unpaid upon such lot or tract, together with the interest and charges thereon.

In case treasurer be unable to collect.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter 49, of the revised statutes, of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter 49, and as are prescribed by chapter 198, of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

Fire department; fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire,

shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of buildings, etc.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places, to require inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of manufactories dangerous in causing or promoting fires, to regulate and prevent the use of fire-works and fire-arms, to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient; and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of fire engines, etc

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be pro-

hibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer, and assistant engineer, who shall be appointed by the council, and form its own by-laws not inconsistent with the laws of this state or the ordinance and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Firewardens.

SECTION 4. The mayor shall appoint two firewardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure, for the purpose of inspecting the same.

Penalties to whom paid.

SECTION 5. One half of the net proceeds of all the fines and penalties collected and recovered for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for refusal to obey lawful order of fire officers.

SECTION 6. When any person shall refuse to obey the lawful order of any engineer, firewarden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company.

SECTION 7. The common council shall have the

power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for said city of Cumberland, and are hereby vested with all the power and authority which is now or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer to pay out all money.

SECTION 8. The treasurer of the fire department shall receive and pay out of all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Officers of each company.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a mem-

ber thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep a record of members.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided, and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause cease to be a member of either of said companies the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Barron a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in corporate name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be a summons.

SECTION 2. In all prosecutions for any violations of any of the provisions of this act, or any law, ordinance, or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Barron, } ss
City of Cumberland. }

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Cumberland.

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city, on the——— day of——— , 18—, at ——— o'clock in the ——— noon, to answer to the city of Cumberland in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this ——— day of ———, 18—.

C. D., Justice of the Peace.

When summons shall be made returnable.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 5. When an action is commenced by summons, the complaint may be substantially in the following form:

The City of Cumberland } In Justice Court.
against } Before C. D.,
A. B. } Justice.

The plaintiff complains against the defendant, for that the defendant on the —— day of ——, 18—, at the said city, did violate section —— of chapter —— of this act, or section ——of an ordinance or by-law, or regulation of said city, (describing it by its title,) which said —— is now in force. By reason of such violation, an action hath accrued to the city of Cumberland, to recover of the defendant the sum of ——dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint.

SECTION 6. In all cases where oath is made for a warrant for the complaint it shall be made on the oath of the complainant and no other affidavit shall be necessary, which last mentioned com-

plaint may be substantially in the following form:

The city of Cumberland against A. B.

In justice court, before C. D., justice.

County of Barron — ss.

—— ——, being duly sworn complains on oath, to C. D., one of the justices of the peace in and for the city of Cumberland, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate section —— of chapter ——, of this act or section ——of an ordinance, or by-law, or regulation of said city, describing it by its title; which said — — is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested, and held to answer to said city of Cumberland therefor.

Sworn and subscribed, this —— day of ——, 18—, before me.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Barron, city of Cumberland — ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Cumberland, greeting:

Whereas —— has this day complained to me in writing, on oath, that A. B. on the —— day of ——, 18—, at said city, did violate said section ——, of chapter ——, of this act (or section —— of an ordinance, or by-law, or regulation of said city, describing it by its title) which said —— —— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of the said A. B. and bring him before me forthwith to answer to the city of Cumberland on the complaint aforesaid.

Dated this —— day of ——, 18—.

C. D., Justice of the Peace.

Upon the return of the warrant the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court

so to do, shall recognize with surety, to be approved by the court, for his, or her, or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Barron county. The complaint made as aforesaid, shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy to be prima facie evidence of genuineness.

SECTION 7. A printed copy of an ordinance, by-law or regulation, passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court of this state.

Witnesses and jurors shall attend without fees.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all criminal suits, without the payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 9. In city prosecutions the findings of the court shall be guilty, or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city; upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which shall in no case exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form of execution.

County of Barron, }
City of Cumberland. } ss.

The state of Wisconsin, to the sheriff or any

constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Cumberland, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —— —— for the sum of —— dollars and —— cents, costs of suit for the violation of (section ——, of chapter —— of this act, or section —— or an ordinance, or by-law, or regulation of said city, describing it by its title) you are hereby commanded to levy distress of the goods and chattels of the said —— excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him to convey and deliver to the keeper of the common jail in Barron county and the said keeper is hereby commanded to receive and keep in custody in said jail the said —— ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

C. D., Justice of the Peace.

Commitment. The form of the commitment shall be substantially the same as that of the execution, omitting all that which relates to the levy and sale and return of writs.

Defendant may appeal. SECTION 10. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances, now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Barron; provided, such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his

docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Said appeal to stand for trial.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day of the judgment of the justice shall be rendered, and no notice shall be required to be given to by either party.

In case the judgment shall be affirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, or by-law or resolution under which he or they are prosecuted, and enter judgment against him or them, and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Shall not be an incompetent witness.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party.

Village ordinances shall remain in force until repealed.

SECTION 14. All ordinances and regulations now in force in the village of Cumberland, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Village rights to be vested in city.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Copy of process to be left with the mayor.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons on the mayor, or clerk of said city, and it shall be the duty of the mayor or clerk so served, forthwith, to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties to be for the use of the city.

SECTION 17. All penalties and forfeitures, recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use

and benefit of said city, except as provided in chapter 9, of this act.

City property to be exempt from taxes

SECTION 18. All fire-engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Individual property cannot be attached for city debts.

SECTION 19. No real or personal property of any inhabitant of said city or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt, or obligation of said city, or on any judgment against said city.

Pardons and commutations.

SECTION 20. The mayor shall have power to grant pardons or commutations after conviction for all offenses against the ordinance of the city upon such condition as may deem proper. He shall communicate any such actions to the council at its next meeting with the reason therefor.

CHAPTER XI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Improvement of streets and sidewalks.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution, or by-law, shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the common council had relative thereto at the meeting when such ordinance, resolution or by-law was introduced shall have been published in the official newspaper of said city.

Power to establish grades.

SECTION 2. The common council of the city of Cumberland shall have power to establish the grades of the streets of said city and to change and

establish such grade as they shall deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages and said council shall have refused or neglected for three months to pay or settle the same.

Enforcement of ordinances.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water-courses, in said city are duly observed and kept. The committee on streets shall have a general supervision over all work let by contract for the improvement of all streets or sidewalks in said city, unless the common council shall otherwise provide.

Proper established grade.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street of said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any such lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city at least for three days, of the time, and place, and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of

such sidewalk by the publication of the same at least five days in the official paper of the city; provided, further, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands under the provisions of this chapter.

Building and repair of sidewalks.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council to order the building, construction, reconstruction or repair of sidewalks in the city of Cumberland in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder, provided such bid is a reasonable one, subject to such provisions in the case of violations of contract and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalk shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for a space of twenty-four hours, which in the opinion of the street committee will not cost to exceed the amount of five dollars in front of any one lot to repair the same, they shall be authorized, and it is hereby made their duty to cause the same to be immediately repaired, and when the same is completed they shall make out an itemized bill of the costs of such repairs, specifying the lot and block, or piece or parcel of land, in front of which said work was done, duly verified by his oath, and shall deliver the same to the city clerk and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land if a resident of the city of Cumberland, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the

fact to the council, and the council shall thereupon levy a special tax upon such lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Cumberland, the said committee shall return said account to the common council, with their certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Work to be let to the lowest bidder by advertising.

SECTION 6. The common council of said city shall have power, and may in its discretion by a vote of a majority of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvements on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of land, in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract sufficient to pay the cost of (constructing) the same without giving notice requiring the owner or owners of such lot or lots, or pieces of grounds to construct the same.

Regarding streets.

SECTION 7. The common council of the city of Cumberland shall have power by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Cost and expenses of surveying to be paid by city.

SECTION 8. The cost and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expenses of opening, grading or graveling, planking or paving of streets and alleys, shall be chargeable to the lots of land, except farming lands fronting on such street or alley, so that each lot or parcel of land, except farming lands, shall pay for work between the front of each lot or parcel of land to the center of such street or alley; provided, that the common council may order such cost and expenses to be

paid by the lots or land, except farming lands fronting on such streets or alleys, by a *pro rata* tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed, and provided further, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground. Lots shall be liable as in this chapter provided for the improvement of streets to the center of the street on which they abut or join, and corner lots for all sidewalks up to the crossings or cross walks.

Estimate of cost to be made before work is commenced.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk for the inspection of parties interested before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargable in whole or in part, as aforesaid; all bids for doing the same to be approved by the council, and the said council shall have power to reject any or all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct, such contract, when approved by the council, to be ex-

ecuted on the part of the city by the mayor and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city, the common council instead of letting such work by contract to the lowest bidder, may by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvements to be done directly by and under the supervision of the street committee at the uniform expense in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

In case of deep cutting and excavating.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and land fronting on such deep cutting or filling shall deem themselves aggrieved thereby and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable to such lots or parcels of land it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved would be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided in case such owners shall not do such work; the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as

determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners; and the common council may require a bond for the payment of the same upon the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by an agent or guardian, or not to be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

Work to be done under supervision of street committee.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council; provided, that whenever, upon complaint made to, and the common council shall deem any lots injurious to public health by reason of stagnant water or from any other cause, they may order that such nuisance be abated by draining or filling such lot, or in any other manner, by the owner or occupant of such lot, and upon their failure so to do the street committee, by order of the common council, may abate or cause to be abated at the expense of such lot, by taking the same proceedings as are required for the building of a sidewalk.

Certificate to be given to contractor.

SECTION 12. Whenever any work has been done under contract as provided in this act and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof and the description of the lot

or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon, and if the amount is not paid before the time of making out the annual assessment roll the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land, respectively, as a special tax and to be collected therefrom for the benefit of the holder of such certificate as other taxes on real estate are collected, by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Highway tax to be levied annually.

SECTION 13. The common council of the city of Cumberland shall, on or before the first Monday of May in each year, determine and levy the amount of highway tax in said city for the ensuing year for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than one nor more than five mills on the dollar upon all of the taxable property in said city, as the same shall appear by the last assessment roll of said property.

Tax list to be made out by city clerk.

SECTION 14. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property and descriptions of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or parcel was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom

each item of taxable property upon said list is to be assessed.

Duplicate copies to be made.

SECTION 15. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk and the other shall be delivered to the city treasurer.

Warrant to be annexed.

SECTION 16. The city clerk shall annex to each such tax list a warrant signed by the mayor and city clerk, which shall be in substance in the following form:

Form of warrant.

To A. B., treasurer of the city of Cumberland:

You are hereby required to collect from the several persons and corporations named in the annual tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by law, and to apply the taxes by you so collected, and make due return thereof as required by law.

Dated ——— day of ———, 18—.

———— ————, City Clerk.

———— ————, Mayor.

City treasurer to collect road tax.

SECTION 17. The city treasurer shall have the same powers and proceed to collect said taxes in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such description or items so uncollected, which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

To be put into a separate column by treasurer.

SECTION 18. Upon the receipt of such list the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll the amount of said delinquent tax against the proper description of real estate and personal property which shall be collected or returned in the same manner as general taxes are collected or returned by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Work to be let to lowest bidder, including printing.

SECTION 1. All work for the city or either ward, including all printing and publishing, may, in the discretion of the council unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract.

Appropriations to be authorized.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Remission of penalties.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

New surveys may be made.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Barron.

Surveys and landmarks prima facie evidence of lines.

SECTION 5. The surveys and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Grades of streets may be established.

SECTION 6. The common council may, at such times as they may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Barron county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be construed as to prevent the street

committees of the several wards of the said city from ordering or causing to be done the grading of any street within their ward to a temporary grade, to be established by such committee.

City may hold real estate.

SECTION 7. The city may have, purchase, and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

All real estate subject to taxation.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

Deeds.

SECTION 9. When the city of Cumberland deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Cumberland, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor may execute deed when authorized.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose describe the real estate and interest to be conveyed under, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance to be attached to deed.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease and such copy so attached and the record thereof shall be in all courts of this state, *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Failure to hold election shall not invalidate.

SECTION 12. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be held at

any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any time specified, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

No general law shall annul or modify.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter.

Appropriations.

SECTION 14. The common council shall have power to appropriate a sum not exceeding three hundred dollars to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Poll tax, who are liable for.

SECTION 15. Every male inhabitant in the city of Cumberland, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempted by the general laws of this state, shall pay into the city treasury annually, one dollar and fifty cents each. as a poll tax. It shall be the duty of the assessor of the city of Cumberland, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Cumberland, and said assessor shall on the last Monday of April of each year, deliver one of said lists to the city clerk and one to the treasurer of said city of Cumberlrand. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand either personal or by written notice, left at their usual place of abode, on or before the 1st day of June of each year, shall be liable to, and shall pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Cumberland. The process in each case shall be by warrant as provided for in chapter 9, of this act, entitled actions to recover penalties, etc., and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys

collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Cumberland. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid; the city treasurer shall receive the same fees for collecting said taxes as he does for collecting taxes assessed upon real and personal property; provided, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee that such person has performed one full day's labor, shall be received by the treasurer of said city in full discharge of such tax.

Jurisdiction of police justice.

SECTION 16. The jurisdiction of the police justice of the city of Cumberland shall be co-extensive with the county of Barron, and the said police justice shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city, in which the city is a party, under the laws in which justices of the peace have jurisdiction, and according to this act. And the police justice shall have and possess all the rights, powers and privileges of said justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Cumberland, except so far as the said law conflicts with the provisions of this act.

Actions may be brought by any electors.

SECTION 17. In all cases where an action might be brought by the city of Cumberland against any person, company or corporation, such action may be commenced and prescribed in the name of the city by any electors of said city; provided, that the complaint is made by any person other than a police officer of said city, sheriff of Barron county or any officer of said city. The justice may, in his discretion, require seventy-five cents as in civil courts before justices of the peace.

Ornamental trees.

SECTION 18. The common council shall have power to require the owner of any lot or grounds in said city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and

to levy a special tax upon such lot or grounds to pay the expenses of the same.

Cemetery.

SECTION 19. The right of the citizens of the town of Cumberland and the rights of the citizens of the city of Cumberland to the use of the town cemetery for burial purposes shall not be impaired, anything in this act to the contrary notwithstanding, and the citizens residing within the said city shall always have and enjoy the same rights and privileges in said cemetery as the citizens of the town of Cumberland, and the said city shall contribute its just share of the expenses of maintaining said cemetery.

Town elections may be held in the city.

SECTION 20. Whenever the town board of supervisors of the town of Cumberland, in the county of Barron, may deem it for the convenience and interests of the legal voters of said city, they are hereby authorized and empowered to select a place for the polls of any general or special election or town meeting at any suitable place within the limits of the city of Cumberland; provided, however, that such polls shall not be nearer to any poll of election in any ward of said city than three hundred feet, and notice of such elections, and the place where the same is to be held, shall be given, as provided by the laws of the state.

Town officers authorized to do business in city.

SECTION 21. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of Cumberland, and the town board may authorize and empower the town clerk and town treasurer of said town, to keep the books and papers of their respective offices, at some suitable place within the limits of the said city; provided, that the said city shall not be chargeable with, nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meetings and a place for the town clerk and the treasurer of the town, mentioned in this and the preceding section, shall not be at any place or places of meeting of the common council, or of officers of the city without consent first being obtained of the common council.

Poor.

SECTION 22. The said city of Cumberland shall maintain and support the poor and indigent persons within the city limits, and the laws of the

state for the relief and support of the poor in towns shall apply to said city, and the common council shall make such rules, regulations, ordinances and provisions in relation to the same as they shall deem proper.

Public act. SECTION 23. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealing act. SECTION 24. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under, or by virtue or in pursuance of the said act, or any former act incorporating the village of Cumberland or any of them; but the same shall exist and be enforced, and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

[No. 281, A.] [Published April 8, 1885.]

CHAPTER 148.

AN ACT to amend the city charter of the city of Kewaunee relating to the construction of bridges and sidewalks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to build a draw-bridge. SECTION 1. The city of Kewaunee is hereby authorized to build and maintain a draw-bridge across the Kewaunee river at either of the following described points:

First. To cross said river at right angles to the thread of the stream thereof, at a point where the line between lots fifteen and sixteen, of block twelve in said city, intersects with said river, according to the plat and survey of said city, made

August 11, 1883, by John V. Suydam, called the upper bridge.

Second. To cross said river at right angles to the thread of the stream thereof, at a point where the section line between sections seventeen and eighteen, township twenty-three north, of range twenty-five east crosses said river, called the lower bridge.

Duty of city to keep bridge in repair.

SECTION 2. It shall be duty of said city council, when said bridge is completed, to keep the same in good repair and to keep thereupon at all seasons of navigation sufficient manual force to open and close the same so as to admit the passage of vessels and other water-crafts with the least possible delay.

Question of location to be submitted to voters.

SECTION 3. Before building a bridge under the provisions of this act the question of building the same and also the question of its location at either of the points aforesaid shall be submitted to the qualified electors of said city at a special election to be called and held as provided by the charter of said city. At such special election the ballots cast shall be either "for the upper bridge," "for the lower bridge," or "no bridge," and shall be counted and canvassed as in other cases. But one bridge shall be built under the provisions of this act and the same shall be located at whichever of the aforesaid points is designated by a majority of the votes cast at such special election. The cost and manner of construction of said bridge shall be under the control of the city council, as well as the time within which the same must be completed, but in no case shall the cost of the same exceed the sum of eight thousand dollars.

Amended.

SECTION 4. Chapter 252, of the laws of 1883, is hereby amended by adding thereto section 92, to read as follows: Section 92. The mayor and common council of the city of Kewaunee shall have power to compel the owners or occupants of lots abutting on the streets of said city, to build, repair or maintain sidewalks in such manner as the mayor and common council shall approve, whenever a majority of the owners of real estate, abutting upon the side of any street or part of a street upon which such sidewalk is to be built or repaired, shall petition the said common council in writing therefor. In such case the city clerk, by order of the council, shall cause to be served a

notice in writing, upon all owners or occupants of lots abutting upon such proposed sidewalk, who have not signed said petition, that unless they build, maintain or repair, as the case may be, a sidewalk of such description as shall be determined upon by said council, within thirty days from the date of such notice, that the same will be by said city repaired or built, as the case may be, and the costs and expenses of such building or repairing, assessed as a special tax upon the property abutting upon said proposed sidewalk, of such person as shall refuse or neglect to build or repair said sidewalk, within said thirty days. The common council may, upon the application of any person, extend his time in which to build or repair for thirty days additional. In case any person or persons shall refuse or neglect, or fail to build or repair such sidewalks after such notice or after the expiration of the time fixed by the council, the said council shall, after giving one week's notice to bidders, in such manner as they think best, and to the lowest responsible bidder, the contract of building or repairing said sidewalks, and pay such person out of the city treasury, and the amount so paid shall be by the city clerk, upon order of said council, entered in the tax roll opposite the description of the said property so abutting on said sidewalk, the owner of which shall have failed to build his share of said sidewalk; and collected with other taxes upon the same property, as provided by law. Any person requesting said council for an extension of time within which to build or repair said sidewalk, shall be estopped from afterwards questioning the regularity of any of the proceedings of said council thereon. The order of the council that the cost of building or repairing such sidewalk be charged as a special tax upon the property aforesaid, shall be *prima facie* evidence of the regularity of all prior proceedings, and of the fact that such tax was properly chargeable on such property.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

[No. 70, A.] [Published April 2, 1885.]

CHAPTER 159.

AN ACT to revise, codify and amend chapter 278, laws of 1874, entitled, "An act to incorporate the city of Shawano," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY OF SHAWANO — ITS CORPORATE POWERS.

Corporate name.

SECTION 1. All that district of country in the county of Shawano hereinafter described, shall be a city by the name of Shawano, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Shawano, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual successions, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a corporate seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

City boundaries.

SECTION 2. All the territory within the county of Shawano, hereinafter described shall be included and constitute the limits of the city of Shawano, to wit: All that portion of section number twenty-five, township number twenty-seven north, of range number fifteen east, lying and being situate south of Shawano creek and mill pond, and east of Wolf river, and also all that portion of section number thirty-six, township number twenty-seven north, range number fifteen east, lying and being situate east of Wolf river; and also all of section number thirty-one, town-

ship number twenty-seven north, range number sixteen east, and also all that portion of section number thirty, township number twenty-seven north, of range number sixteen east, lying and being situate south of Shawano creek and mill pond.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The said city is hereby divided into three wards, to be called and known as the first, second and third wards, and limited and bounded as follows, to wit: All that portion of said city lying in section number thirty-one, township number twenty-seven north, range number sixteen east, shall be and constitute the first ward. All that portion of said city lying in section number thirty, township number twenty-seven north, range number sixteen east, and in section number twenty-five, township number twenty-seven north, range number fifteen east, shall be and constitute the second ward. All that portion of said city lying in section number thirty-six, township number twenty-seven north, range number fifteen east, shall be and constitute the third ward.

CHAPTER II.

CORPORATE AUTHORITY.

Corporate authority.

SECTION 1. The corporate authority of said city and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER III.

ELECTIONS AND QUALIFICATIONS OF ELECTORS.

Election and qualification of electors.

SECTION 1. The annual charter elections for city and ward officers shall be held on the first

Tuesday in April of each year at such place in each ward as the common council shall designate.

Plurality of votes shall elect.

SECTION 2. In all elections by the people a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the council, at such time and in such manner as they may direct.

Inspectors of election.

SECTION 3. The inspectors and clerks of all general, charter and special elections held in the city of Shawano shall be appointed by the mayor, as provided in section 26, chapter 5, of the revised statutes of 1878, and shall have the same powers and the same qualifications as therein named.

Notice of general elections.

SECTION 4. The city clerk shall give ten days' notice of the time and place of holding all general, charter and special elections, and of the officers to be elected, by publishing the same in the official paper or papers of the city, and by posting up at least three notices of the same in three public places in each ward in the city.

Opening of polls.

SECTION 5. The polls of all charter or special elections shall be opened at nine o'clock in the forenoon and kept continuously open until five o'clock in the afternoon of the same day.

Conduct of election.

SECTION 6. All elections under the provisions of this charter, except as herein specially provided, shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general elections; provided, however, in addition, that all voters shall have been residents of the city for at least thirty days preceding the election at which they wish to vote.

Conduct of elections.

SECTION 7. All general elections shall be conducted by the inspectors and clerks as provided in section 3, of this chapter, and as provided by the general statutes of this state.

Elective officers.

SECTION 8. The elective officers of said city shall be a mayor, a city clerk, a city treasurer, a city assessor, a police justice, and a city superintendent of streets, to be elected for the city at large, by the qualified electors of said city. The elective officers of each ward of said city shall be two aldermen, a justice of the peace, a supervisor

and a constable, to be elected by the qualified electors of each ward of said city.

Elective officers shall be freeholders.

SECTION 9. Each elective city officer of said city shall be a qualified elector and freeholder of said city. Each elective ward officer of said city shall be a qualified elector of the ward in which he is elected.

Term of office.

SECTION 10. All officers elected under this act, except aldermen, police justice and justices of the peace shall hold their respeetive offices for one year, or until their successors are elected and qualified. At the first election held in said city under the provisions of this act, one alderman shall be elected from each ward, whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter shall hold their office for two years.

When terms of officers shall begin.

SECTION 11. The terms of all officers elected or appointed under the provisions of this act shall commence on the second Tuesday of April, of the year for which said officers are elected, except those elected or appointed to fill vacancies, whose terms of office shall commence as soon as they are elected or appointed and qualified. The general laws of this state upon the subject of elections and prescribing punishment for illegal voting, as far as they are consistent with this act, shall apply to said charter elections, and to all elections hereafter held in the city of Shawano. No spirituous or malt liquors shall be sold within said city, or within one mile of the city limits of the said city upon the day of any election held therein, and any person offending against the provisions of this section shall be guilty of a misdemeanor and punished by a fine of fifty dollars or by imprisonment in the county jail for not less than sixty days, or by both such fine and imprisonment.

Appointed officers.

SECTION 12. All other officers necessary to the proper management of the affairs of the city shall be appointed by the mayor subject to approval of a majority of the common council, and the terms of office of all the appointive officers shall expire with that of the mayor who appointed them, unless herein otherwise provided.

SECTION 13. Whenever a vacancy shall occur in the office of mayor, the council shall order a

new election. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. In case of vacancy in office of mayor.

SECTION 14. Whenever any officer shall cease to possess the qualifications necessary for his election, or is removed by the common council, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election, shall be deemed to have vacated his said office. Vacancies and removals.

SECTION 15. Whenever an election shall be held under this act, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person for each and every office to the city clerk. Within one week after an election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons so elected of their election. Inspectors to make returns.

SECTION 16. At the first meeting of the common council in each year, after the annual city election, or as soon thereafter as may be practicable, the mayor may appoint a city marshal, a city attorney, a city physician, a chief engineer, and one assistant engineer of the fire department, and such other officers as the ordinances shall prescribe, subject to the approval of a majority of the common council. City marshal.

SECTION 17. The mayor shall have the authority to remove the city marshal or any of his deputies, the city attorney, the city physician, the city surveyor, and the chief engineer and assistant engineer of the fire department and all other officers appointed by him, for inefficiency or neglect of duty, and to appoint others in place of those removed; but the terms of office of those so appointed shall not commence until their nomination has been approved by a majority of the common council. Removal of marshal.

SECTION 18. All officers elected or appointed to fill a vacancy shall hold the offices for which they are elected or appointed until the next annual Duration of office.

charter election, or until their successors are elected and qualified.

CHAPTER IV.

OFFICERS AND THEIR DUTIES.

Officers—their powers and duties.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Shawano a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond; over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer before entering upon his duties shall also execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may from time to time require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Shawano, except that of the city clerk, shall be filed and safely preserved by the city clerk, in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of Shawano county. A transcript from the records of such bonds in the office of the register

of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded, in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Power and duties of mayor.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city affairs as the common council may require. In case of a riot and other disturbances of apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgments of deeds and other instruments in writing, and when presiding over any meetings of the common council shall have a vote in case of a tie.

VETO.

Power of veto.

SECTION 3. The mayor shall have power to veto any ordinance, act or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within three days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of said three days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection or such filing with the city clerk, re-enact such ordinance or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or res-

olution so presented to him within three days after the passage thereof, it shall take effect in the same manner as if he signed it.

President of council.

SECTION 4. At the first meeting of the common council in each year after the annual city election, or as soon thereafter as may be, they shall proceed to elect by a ballot, one of their number president, and in the absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Duties of clerk.

SECTION 5. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all offices required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and copies of all papers filed or recorded in his office, and transcripts from the records of official bonds certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts to the same extent as the originals would be if produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel

mortgages in town clerks' offices, receiving the same fees allowed by law to town clerks, and all chattel mortgages so filed and recorded, shall be valid and have the same effect as if the same had been filed in the town clerk's office of any town; he shall keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection and all moneys paid into the treasury; it shall be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations, and take acknowledgments of deeds and other instruments in writing. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk *pro tempore*. The city clerk shall receive such compensation as the common council may determine.

Duties of treasurer.

SECTION 6. The city treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written order signed by the mayor and countersigned by the clerk by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom and the purpose for which, it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the person from whom and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said city. He shall as often as the common council shall require, render to the common council a minute acount of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession be-

longing to said city. He shall receive as compensation two per cent. on all sums by him received and paid out, except as herein provided and no more. He shall be ineligible for re-election, for one year next succeeding the termination of his office.

Duties of assessor.

SECTION 7. The assessor shall assess all the taxable property of the city of Shawano, as required by the statutes of the state of Wisconsin, without regard to wards and shall complete and shall return his assessment roll in the manner provided by statute, except as provided in this act. He shall receive such compensation as the common council may determine.

Police justice.

SECTION 8. The police justice of the city of Shawano shall have all the authority, jurisdiction, powers and rights of justices of the peace of this state and such other powers, authority, jurisdiction and rights as are conferred by this act or of the ordinances of said city of Shawano.

Duties of superintendent of streets.

SECTION 9. The superintendent of streets shall see that all ordinances of the city and laws of the state relating to the obstructing and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers and ponds in said city are duly observed and kept, and to control the persons employed by the city to work on any street, alley, sidewalk or reservoir. He shall have the general supervision over all work let by contract or ordered by the common council, for the making, grading, paving, graveling, claying, building, repairing and cleaning sidewalks, streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise determine. He shall receive such compensation as the common council may determine.

Duties of marshal.

SECTION 10. The marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of fines and license moneys; he shall be the keeper of the city lock-up, and shall possess the power of constables at common law, or as given by the laws of this state, and shall receive like fees; he shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts

he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and all writ and process issued by any justice within the county of Shawano, directed to any constable therein, shall be deemed as if also directed to said marshal, and he may serve any criminal process or processes for the violation of any city ordinance in any part of the state. It shall be the duty of the marshal or any constable in the said city of Shawano, and he or they are hereby authorized and required to summarily arrest and take before the police justice of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making any improper noise or disturbance, or by firing guns, or fighting, or threatening to fight, or in any other manner disturbing the public peace, or who shall be engaged in violating any ordinance of said city, made for the preservation of the peace and good order therein, and such police justice shall have power to hear, try and determine all such affairs, and any person convicted of any offense specified in this act, where no other punishment is provided by law, or by any ordinance of said city, shall be punished by a fine not less than one dollar nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justices, and in all cases the justice shall impose the payment of the costs of prosecution upon the person so convicted as a part of the punishment; and in default of the payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding fifty nor less than five, as he may think proper; but in case any person shall be committed, for non-payment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of said jail or lock-up.

Committing persons to jail or lock-up.

SECTION 11. Any person making any arrest under the provisions of this act may, if necessary, commit the person arrested to said jail or lock-up without process, and such person shall be deliv-

ered up to such officer by the keeper of said jail or lock-up, on demand and without process; the person so confined shall be taken before the police justice within twenty-four hours (Sunday excepted) after such arrest, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint is filed by some other person, and process duly issued within the time specified after the commital. The marshal and his deputies shall receive in addition to the fees allowed constables such compensation as the common council may determine.

Duties of city attorney.

SECTION 12. The city attorney shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessment; and to perform such other duties as may be provided by the charter and ordinances of the city. He shall receive such compensation as the common council may determine for the time actually spent for the city.

Duties of city physician.

SECTION 13. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the common council may order. He shall receive such compensation as the common

council may determine for the time he is employed by the city.

Chief engineer.

SECTION 14. The chief engineer shall have control of the fire department of the city of Shawano and shall prescribe the duties of the officers and members thereof, and when authorized by the common council, he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire-engines, and see that they are always in working order; in the absence of the chief engineer the assistant chief shall have full power and control. The chief engineer shall, on the first day of March in each year, make report in detail and under oath, to the common council of all property belonging to the city in possession of the fire department, and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designed to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report.

Justices of the peace.

SECTION 15. The justices of the peace elected under this act, shall have the same jurisdiction, and perform all duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council.

Constables.

SECTION 16. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except that the official bond of such constable shall be approved by the mayor and a majority of the common council, and filed with his oath of office in the office of the city clerk.

Duties of supervisors.

SECTION 17. The supervisors elected under this act shall represent the city in the county board of supervisors of Shawano county, and have the same powers and exercise the same duties as are required by law of other members of that body elected by towns They shall receive no compensation from the city for duties performed as members of the county board.

Further duties.

SECTION 18. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers appointed by them.

Fixing salaries.

SECTION 19. The common council of said city of Shawano, at their last meeting in March in each year, shall by resolution, fix the salaries of city clerk and city assessor for the ensuing year. They shall also fix the per diem to be paid to the superintendent of streets and city marshal, and the respective amounts thus fixed shall not be increased, or diminished, or in anywise changed after being so fixed, for the then ensuing term of such office.

CHAPTER V.

THE COMMON COUNCIL — ITS SPECIAL POWERS.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Shawano do ordain," etc.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting each year on the second Tuesday of April, and thereafter stated meetings at such times and places as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules of its own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public, their proceedings shall be recorded in full, and all their papers and records and all election returns shall be deposited with the city clerk and the same may be examined at any time by any person in the presence of the

clerk. The common council shall be judge of the election and qualifications of its own members, and may enforce order at its meetings, and may punish its members or other persons present by fine for disorderly behavior, and the mayor may compel attendance of members upon its sessions and may employ the city marshal and his deputies of said city for that purpose; and the common council may fine or expel any member for neglecting his duty as such member, or by unnecessary absence from the sessions of that body.

Powers of council defined.

SECTION 3. The common council shall have the management and control of the finances (except school moneys), and of all the other property of the city, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health, and for carrying into effect the power vested in said common council, and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by-laws and regulations; and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution or laws of the United States or of this state, and for this purpose shall have authority, by ordinance, resolution or by-law.

Licenses.

1st. To regulate groceries, taverns, victualing-houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing-houses, or other houses or places of dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to revoke the same for a violation thereof; provided, that the sum to be paid for any license granted, shall not be less than the sum provided for by the statutes of the state of Wisconsin; and provided further, that before such li-

cense shall be granted, all of the requirements of the statutes of the state of Wisconsin regulating the licensing and sale of spirituous, vinous or fermented liquors shall be fully complied with.

Billiard tables, etc.

2d. To license, tax, regulate, suppress or prohibit the use of billiard tables, pool tables, bagatelle tables, pug tables, nine or ten pin alleys, bowling saloons, ball alleys and shooting galleries.

Shows and showmen.

3d. To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Gambling and fraudulent devices.

4th. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Riots and disturbances.

5th. To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleanse nauseous places.

6th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses, etc.

7th. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the limits and the distance of two miles therefrom, distilleries, slaughter-houses, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Incumbering streets.

8th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

9th. To prevent horse-racing and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground. Immoderate riding.

10th. To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder and other combustible and dangerous material. Gunpowder.

11th. To regulate and determine the times and places of bathing and swimming in the rivers and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. Bathing, etc.

12th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto. Restrain cattle.

13th. To license the keeping of dogs, and to prevent the same from running at large, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. Dogs.

14th. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skin, or substance of any kind, and on his default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses.

15th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and to prevent unnecessary waste of water. Pounds.

16th. To erect lamps and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings, with gas or otherwise. Lighting of streets.

Hacks and hackmen.

17th. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to prescribe their compensation.

Runners or solicitors.

18th. To restraint and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public-houses or other establishments.

Boards of health.

19th. To establish and regulate boards of health, and define their powers and duties.

Cemetery grounds.

20th. To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation.

Pest-houses.

21st. To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same.

Contagious diseases.

22d. To regulate, control and prevent the landing of persons from boats, vessels, cars and stages, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations and enforce the same within the city, and not exceeding two miles beyond the city limits.

Nuisances.

23d. To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abating thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove any nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

Markets.

24th. To establish public markets and to make rules and regulations for the government of the same; to appoint suitable officers for overseing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Bread.

25th. To regulate the size and weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks.

26th. To prevent all persons from riding or

driving any ox, mule, cattle or any other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks.

27th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizens thereof. Shooting of fire-arms.

28th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness and obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same. Vagrancy.

29th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, eggs and other provisions in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. Meat and fish markets.

30th. To regulate the place and manner of the weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and to regulate by ordidance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector. Hay and fish inspectors.

31st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto and to compel such owners or occupant to remove from the lot owned or occupied by him all such substanc s as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officers of the city at the expense of such owner or occupant. Removal of snow, dirt, etc.

32d. To appoint watchmen, marshals and deputy marshals and to establish and regulate and prescribe their duties not provided for in this act. Watchmen.

33d. To tax, license and regulate auctioneers, distillers and pawn brokers, and to tax, license, regulate and restrain hawkers and peddlers, keepers or proprietors of gift bookstores, gift concerts and other gift enterprises. Auctioneers.

34th. To protect monuments in the city, and to Monuments, etc.

direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Weights and measures. 35th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Gutters. 36th. To provide for and regulate the construction of gutters within said city.

Repair of streets. 37th. To control, regulate, repair, amend and clear the streets and alleys, bridges and side and cross walks and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and to alter and change the name thereof, and prevent the incumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Regulate streets, etc. 38th. To control and regulate the streets, alleys and public grounds in said city and to remove and abate any obstructions and encroachments therein.

Lumber yards. 39th. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible materials within the limits of said city.

Engines and boilers. 40th. To provide for the inspection and regulation of stationary steam-engines and others.

Preserve rivers, creeks, etc. 41st. To preserve the river, creek and ponds adjoining said city, and to prevent any use of the same, or act in relation thereto, inconsistent with, or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or deposing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein and punish the authors thereof.

Vagrants, etc. 42d. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gam-

bling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, or other place of vice; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

Fire-escape.

42d. To declare that it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm.

Concealed weapons.

44th. To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot, or knuckles, bowie knife, dirk knife or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon,

Ordinances.

45th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Laws and ordinances—how passed.

SECTION 4. All laws, or ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city, once before the same shall be in force, and they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded the publication thereof shall be proved by the affidavit of the foreman or publishers of such news-

direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Weights and measures. 35th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

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Vagrants, etc. 42d. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gam-

bling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, or other place of vice; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

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42d. To declare that it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm.

Concealed weapons.

44th. To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot, or knuckles, bowie knife, dirk knife or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon,

Ordinances.

45th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Laws and ordinances—how passed.

SECTION 4. All laws, or ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city, once before the same shall be in force, and they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded the publication thereof shall be proved by the affidavit of the foreman or publishers of such news-

paper, and the said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or order. No law, ordinance, regulation or order which may create a debt or liability against said city, or a change upon any fund thereof, shall be adopted without a vote in its favor, of a majority of all the aldermen present at a regular or special meeting of the common council, and the vote of each alderman shall be recorded by the city clerk when requested as hereinafter provided.

When to take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor shall take effect until three days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Rescinding votes.

SECTION 6. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there shall be present as large a number of aldermen as were present when such vote was taken.

Committees for reference.

SECTION 7. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Annual meeting for unfinished business.

SECTION 8. The council shall meet on Tuesday two weeks previous to the holding of the charter election for the purpose of disposing of its unfinished business of the year, and settling with the city treasurer and city clerk, and shall

not thereafter, during its term of office allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their term.

Vote on ordinance to be taken by yeas and nays.

SECTION 9. If required by any member present at any meeting of the common council, the vote upon any ordinance, resolution or question pending before such meeting, except the appointment of officers, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such votes shall be entered at large in the minutes.

CHAPTER VI.

TAXATION.

Taxation.

SECTION 1. All property in said city, real, personal and mixed, except such as may be exempt by the laws of this state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed annually by the assessor elected under this act. In making such assessments and his returns thereon, and in making reassessments or assessing property omitted for previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of asseement rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable.

All real estate subject to taxation.

SECTION 2. Real estate exempt from taxation by the laws of this state shall be subject to special taxes for sidewalks, sewers and street improvements on the same.

Taxes to remain liens.

SECTION 3. All taxes and assessments, general or special, levied under this act, shall be and remain liens upon the tenements upon which they may be assessed, from the time of the final completion of the tax roll, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for collection thereof until such tax shall be paid;

and no transfer of such real or personal property shall affect such lien.

Omission to assess shall not invalidate.

SECTION 4. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax, provided, that such assessment rolls may be so made as to conform to this act, and the same are hereby declared to be matters of convenience, and not material to the validity of the taxes to be levied upon such assessment.

In case of omission from the roll.

SECTION 5. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the quality and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed, shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

One week's notice shall be given by assessor.

SECTION 6. When the assessor shall have completed the assessment roll for the city, he shall give one week's notice thereof in the official paper or papers, and state in said notice that during three days in the last week of July, he will be at the common council room in said city, for the purpose of hearing the complaint of persons who

may feel themselves aggrieved by such assessment, and he shall make such alterations thereto as justice and equity may require.

Return of assessment roll by assessor.

SECTION 7. Within one week after the time limited for hearing such objections, the assessor shall return the said assessment roll to the board of review of the city. The board of review may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same, so that when completed the valuations of all property shall be just and equitable.

Board of review.

SECTION 8. The board of review shall consist of the mayor, city clerk and assessor, who shall meet at the common council room on the first Monday of August in each year, and shall proceed in all respects as town boards are by law required to proceed. After the corrections and revisions of the assessment roll by the board of review, the same shall be filed with the city clerk.

Changes in assessment roll shall be duly recorded.

SECTION 9. All changes of the assessment rolls by the board of review shall be duly recorded by the city clerk.

County clerk shall levy taxes apportioned.

SECTION 10. Annually upon the receipt of notice from the county clerk of Shawano county of the amount of taxes apportioned to said city, by the county board of supervisors, the common council, as soon as practicable thereafter, shall, by resolution, levy the amount of taxes apportioned to said city by the county board, and in addition levy such tax or taxes authorized by law, not exceeding the percentage named in this act, for city purposes, and all special taxes as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying in the resolution the purposes for which the same are levied.

Complete statement to be made out.

SECTION 11. After the common council have levied the taxes as provided in the preceding section, the city clerk shall make out from the asessment roll a tax roll, showing a complete statement of the several amounts of taxes levied for state, county, county school, city school, city, special, highway or other porposes. All special and highway taxes shall be placed in separate columns. He shall, upon a uniform percentage, calculate and carry out opposite to each valuation in said tax roll the amount required to be raised

upon such valuation to realize in the city the whole amount of state, county, county school, city school, city and other taxes, except special taxes, highway taxes and taxes to pay judgments as are to be levied uniformly upon all the taxable property in said city. Judgment taxes shall be carried out in a separate column. In computing the taxes thus to be carried out he shall reject the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

City clerk to deliver same to city treasurer.

SECTION 12. Upon completing said roll the clerk shall, on or before the second Monday in December of each year deliver the same to the city treasurer. To the tax roll so delivered shall be annexed a warrant under the hands of the mayor and clerk of said city and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of the state, to be delivered to the town treasurers.

Warrant to be prima facie evidence of correctness.

SECTION 13. The said tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Respecting the annulling or remission of taxes.

SCETION 14. After the tax roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property except in the following specified cases:

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax roll or in the extension of the tax.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessment.

3d. When the taxes are manifestly illegal and void by reason of the exemptions of the property from taxation by law.

Public notice shall be given in paper.

SECTION 15. Upon the receipt of any tax roll and warrant by the city treasurer he shall give public notice in the official paper or papers of the city that the tax roll for that year (specifying what tax roll) has been delivered to him for collection, and that he will receive payment for taxes at his office until the first day of February next

ensuing the date of said notice, at two per cent. fees. After that date he shall collect five per cent. as fees on all taxes collected by him. All fees for collecting taxes shall be added by the treasurer to the amount of tax and collected with the same; and if the taxes due are not paid on or before the second Monday in February next ensuing the date of the tax roll and warrant, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons or corporations charged with said tax giving at least six days' notice of the time and place of such sale, and describing in the notice the goods and chattels seized, by posting up not less than three written notices in as many public places in said city. And in case of distress and sale made by the city treasurer of goods and chattels for the payment of any tax, he shall receive, in addition to the fees hereinbefore authorized, such fees as are allowed constables on sales of goods upon execution, which shall be added to the amount of tax for which said goods or chattels are sold.

City treasurer shall collect the fees.

SECTION 16. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified upon oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

State tax when paid.

SECTION 17. The treasurer shall, on or before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the property in said city.

Directions given only directory.

SECTION 18. All the directions hereby given for assessing lands and personal property, levying and collecting taxes, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the

tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

General laws to remain in force.

SECTION 19. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Order in which taxes are to be paid.

SECTION 20. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes, then judgments, then all special taxes in the order in which they were levied; then taxes for highway purposes, then for fire purposes, then taxes for street and other public improvements, lastly county taxes. Delinquent taxes shall be received by the county treasurer in payment of county taxes.

Money in which taxes are payable.

SECTION 21. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues; provided, however, he may receive county orders for county tax, city orders for city tax, city school orders for city school tax and highway orders for highway tax.

Delinquent tax list to be made out.

SECTION 22. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Shawano county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall add to said taxes remaining unpaid, five per cent. upon all the delinquent lands or lots so returned by the city treasurer to the treasurer of Shawano county, and shall make return of said taxes with said five per cent. added, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner, as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

SECTION 23. The county treasurer shall sell all

delinquent lands and lots returned from the city of Shawano at the same time and in the same manner as other delinquent lands are sold in the county. County treasurer to sell lands.

SECTION 24. The common council of said city shall have the power, and they are hereby authorized to extend the time for the collection of taxes in said city from time to time, not exceeding thirty days at any one time, until the fifteenth day of March next, after the date of the tax warrant then in the hands of the city treasurer; provided, that no such extension shall be construed to extend the time for paying over to the proper officer, the money payable by the city for state and school taxes. Extension of time for collection of taxes.

CHAPTER VII.

POLL AND HIGHWAY TAXES.

SECTION 1. The common council of said city shall have and are hereby granted, power to tax annually, each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, except those exempt by law, a poll tax of one dollar and fifty cents, to be appropriated to the improvement of streets, roads and cross walks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided. Poll tax.

SECTION 2. The clerk of said city shall, on or before the first Monday in May of each and every year, make and present to the common council a list of the names of all male persons between the ages of twenty-one and fifty years, who may be residents of said city on such first Monday in May, or who shall have voted at the last annual charter election. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list, if it shall be necessary, by adding Poll list to be made out.

or striking out names, so that the said list shall contain the names of every male person between the ages of twenty-one and fifty years, who are residents of said city, except those exempt by law, and may also strike from said list the name of any person who, in its judgment, may be unable to pay the said tax. When said tax list shall have been corrected, as herein provided, the clerk of said city shall attach said list to the highway tax roll for that year, and said poll tax shall be paid as hereinafter provided.

Amount of highway tax to be levied.

SECTION 3. The common council of said city shall on or before the third Monday in April of each year determine the amount of highway tax to be levied and expended on the streets of said city for the ensuing year, and the common council are hereby granted and empowered to levy a highway tax as hereinbefore mentioned on the assessed valuation of said city for the previous year which said tax shall not exceed five mills on the dollar of such assessed value of said city, which said highway tax may be paid in labor or in money as hereinafter provided.

Highway tax roll to be made out and by whom.

SECTION 4. The highway tax roll of each year shall be made out by the city clerk and to which he shall attach a list of names of persons as provided in section one and two of this chapter, and deliver the same to the city treasurer on or before the second Monday in May of each year and to each of such highway tax rolls the city clerk shall attach a warrant under the hands of the mayor and clerk and the corporate seal of the city, commanding the treasurer to collect from the persons therein named the amount of tax levied against them and from the owners or occupants of real estate therein named the amount of tax set down against said real estate, and to make due returns as provided in this act.

How poll tax shall be payable.

SECTION 5. Such poll tax or highway tax may be paid in labor at the rate of ten hours for one day's labor at such rate of compensation as shall have been fixed by the common council for such year, and not otherwise. The common council shall at the time of levying the poll and highway tax for the year, fix by resolution the rate of compensation to be allowed on such poll or highway taxes for labor, teams, wagons, carts and plows used in paying the same, provided, that the com-

pensation for taxes shall not be less than one day's work for each person taxed. The city treasurer shall notify the superintendent of streets in writing of all persons who shall desire to pay their highway or poll taxes in labor and the amount of taxes against them. The superintendent of streets shall give at least two days' notice to each person so taxed and residing within said city who may desire to pay such tax in labor, of the time and place where such labor may be performed, and the teams and utensils to be provided, and shall inform such persons of the rate of compensation fixed by the common council. If any person so notified shall fail to appear in person or by proxy and work such tax at the time and place designated by the superintendent of streets such person shall be precluded from afterwards paying such tax in labor and the same in each case shall be paid in money. The superintendent of streets shall give to each person paying his poll or highway tax in labor a receipt, and the person receiving the same shall present it to the city treasurer, who shall give his receipt and mark the poll or highway tax of the person presenting the receipt of the superintendent of streets as paid. The superintendent of streets shall also notify the city treasurer in writing of all persons who have paid the poll or highway tax assessed against them in labor.

Superintendent of streets forbidden to pay tax.

SECTION 6. The superintendent of streets is hereby expressly forbidden to pay any poll or highway tax for any person or corporation, by labor, during his term of office.

Return of unpaid taxes.

SECTION 7. On or before the second Monday in November of each year, the city treasurer shall certify and return to the city clerk all unpaid highway taxes on real estate as appears from the highway tax roll; and the city clerk, when he makes out the general tax roll for the city shall insert in a separate column opposite the description of the real estate so taxed, the amount of delinquent highway taxes returned by the city treasurer and the same shall be collected therewith in the same manner as other taxes on real estate are collected.

Highway taxes to be expended on streets.

SECTION 8. All moneys collected for poll or highway taxes shall be expended upon the streets in the wards of said city where said persons live

or the real estate is located as the common council shall direct.

Treasurer shall collect all highway taxes.

SECTION 9. The city treasurer shall collect all highway taxes on personal property, which the owner thereof may refuse to pay, in the same manner as he is required by law to collect taxes on personal property, and for that purpose shall have all the power conferred by law for collecting taxes.

Poll tax payable in money or labor.

SECTION 10. All poll taxes levied by authority of this act shall be paid to the city treasurer in money or commuted for by performing full ten hours' labor upon the streets or causing the same to be done to the satisfaction of the superintendent of streets, who shall receipt for the same. Any person who shall refuse to pay any poll tax assessed against him as heretofore provided, shall forfeit and pay to the city treasurer in addition to the tax a penalty of three dollars, besides costs of prosecution. Whenever any person shall refuse to pay the poll tax assessed against him the city treasurer shall commence suit for the same and the penalty incurred by the person refusing to pay the tax, in the name of the city as provided by law in other cases. And in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment and costs, he shall be imprisoned in the county jail not to exceed ten days. If the city treasurer refuse or wilfully neglects to comply with the provisions of this section, he shall be liable on his official bonds for the whole amount of poll tax and penalty due from any person or persons whom he shall refuse or wilfully neglect to prosecute.

CHAPTER VIII.

OPENING OF STREETS AND ALLEYS.

Opening streets, alleys, etc.

SECTION 1. The common council shall have power to lay out streets and alleys and to widen the same, as follows: Wherever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and dis-

tances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper four weeks successively, at least once in each week.

What notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Shawano for the appointment of twelve jurors to view said premises and determine whether it will be necessary to take the same for the purpose specified in said petition.

Appointment of jurors.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take said premises for the purpose specified in such application.

Constable to serve precept.

SECTION 4. Any constable or the marshal of said city, shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found, and immediateiy after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings therein.

In case jurors are disqualified.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting,

or shall refuse to act, the judge or court commissioner shall appoint others in their place and a memorandum of such substitution shall be endorsed on the precept.

Nature of oath jurors shall take.

SECTION 6. The said judge or court commissioner, or any justice of the peace shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; which oath shall be filed in the office of the city clerk.

Jurors to proceed in body to premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited such damages to the common council; and after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above; and all the jurors before entering upon the discharge of

their duties in the premises, shall severally take an oath, before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

In case there is a building on premises.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him to remove.

In case owner shall refuse.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode; if not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks once in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

In case owner refuse to take the building at its value.

SECTION 10. If the owner shall refuse to take the building at the value to remove or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use.

Jurors to view and examine premises.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners, the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively

in consequence of the taking thereof which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this chapter.

In case lands or buildings belong to different parties.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate, in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 13. The award of said jurors shall be signed by them, and returned together with the testimony taken and the precept to the common council, within the time limited in such precept.

How appeals may be taken.

SECTION 14. Any person whose property is taken or against whom the assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Shawano county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 2, of chapter 6, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Land shall not be appropriated until damages are paid.

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid, or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. Damages to be paid within one year.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required. Damages may be paid any time within the year.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report respectively cease and be absolutely discharged. Contracts may cease when premises are taken.

SECTION 19. When only part of a tract or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved; payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or reserved for or in respect to the same. In case only a part of land is taken.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disabilities, the judge of the circuit court of Shawano county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. In case owner labor under legal disability.

SECTION 21. Whenever any public grounds, Survey to be made.

streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

Vacating or changing streets.

SECTION 22. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Shall not apply to unplatted lands.

SECTION 23. The forgoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 24. All the foregoing directions given in this chapter shall be only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER IX.

IMPROVEMENT OF STREETS.

Laying out streets.

SECTION 1. Opening, grading, working, graveling, claying, planking, replanking, paving and repaving of streets and alleys to the center thereof shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, clayed, planked or paved, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby and fronting upon or abutting to the street along which said gutter shall be constructed; provided, that in all cases where im-

provements or work of any kind are charged by virtue of this section upon lots as aforesaid all such improvements across streets, alleys and public grounds shall be made and paid out of the general fund of the city.

Plans of improvements to be made.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice, by publication in the official paper or papers, to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file within a time specified in such notice, which shall in no case be less than fifteen days after said one week's notice. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper not less than one week. It shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable responsible bidder. Upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the superintendent of streets and committee on streets, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and superintendent of streets and countersigned by the city clerk, and which shall state the amount due for work done by such contractor, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by indorsement thereon; and if the amount

thereof is not paid before the time of making out the annual assessment roll, the certificate may be filed with the city clerk, and amount thereof shall be assessed upon the said lots or lands respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

CHAPTER X.

BUILDING AND RECONSTRUCTING SIDEWALKS.

Sidewalks.

SECTION 1. The common council shall have power and they are hereby authorized to compel the building, repairing and reconstruction of sidewalks in said city of Shawano, to control and regulate the material used and the construction of the same, and to levy special taxes on the adjoining property for the building, repairing or reconstruction of the same in the manner hereinafter provided.

Building sidewalks along a block.

SECTION 2. Whenever one-third of the resident owners of real estate or lots bordering on any one side of any street or part of street in said city not less than one block in length, shall desire to have a sidewalk built along the line of such real estate or lots they shall make out in writing and sign a petition to the common council in which shall be stated the points where they desire such sidewalk to commence and terminate, and request the common council to order that such sidewalks be built.

Sidewalks to be built at expense of owner.

SECTION 3. On receipt of such petition the common council at either a regular or special meeting, if it shall deem the building of such sidewalk necessary, shall, by resolution, order such sidewalk built at the expense of the owners of the real estate or lots bordering on the side of the street which said sidewalk is to be built, and shall prescribe the manner of its construction and the materials of which it shall be composed and the time in which it shall be completed. Whereupon the superintendent of streets shall notify in writing, the owners of the real estate and lots along the line of the proposed sidewalk by deliv.

ering to or leaving the same at the residence of each such person (if they reside within said city), requiring such person therein named to build such sidewalk to the approval of the superintendent of streets and in the manner directed by the common council along the line of the real estate or lot owned by such person within thirty days. In case any person heretofore mentioned does not reside within said city, such notice may be served by delivering the same to such person, if to be found, or to his agent if he have one, or in lieu of such personal service, such notice may be published once in the official paper of said city.

In case owner refuses to repair sidewalk.

SECTION 4. If the owner or owners of any real estate or lots shall refuse or neglect to construct any sidewalk as provided in section 3, of this chapter, the common council shall order the superintendent of streets to procure the material, and to build said sidewalk, and the cost of the same shall be paid out of the general fund of said city, and the common council shall levy a special tax against the real estate or lots along the line of said sidewalk so built by the city sufficient to pay all expenses of building the same. Said special tax shall be collected as other city taxes are collected, and shall be and remain a lien upon said real estate or lots the same as other taxes until paid.

In case it is necessary to rebuild sidewalk.

SECTION 5. Whenever the common council shall deem it necessary to rebuild or reconstruct any sidewalk in said city, they shall proceed in a like manner as is provided in this chapter for building new sidewalks, except that no petition from the owners of real estate or lots along the line of said sidewalk shall be necessary.

Duty of superintendent in ordering repairs of sidewalks.

SECTION 6. Whenever the superintendent of streets shall deem it necessary to repair any sidewalk in said city, or the common council shall have ordered the same done, when it is out of order, said superintendent of streets shall order the owner or occupant of the real estate or lot or lots adjoining said sidewalk to repair the same at his own proper cost and expense, in a reasonable time to be prescribed by the superintendent of streets. If such walk is not repaired in the time and manner prescribed by the superintendent of streets and to his satisfaction, he shall cause the same to be repaired in a proper manner, and if

the owner or owners of the real estate adjoining said sidewalk so repaired shall refuse to pay the superintendent of streets the cost of the repairs he shall report the same, together with the costs of said repairs, to the common council of said city, who shall pay the same out of the general fund and levy a special tax on each parcel of real estate or lot or lots in front of which said sidewalk shall have been so repaired, sufficient to pay the cost of repairing the same, which shall be collected as provided in section 4, of this chapter.

City not liable for defective sidewalks.

SECTION 7. The city of Shawano shall not be liable for any damages for injuries that may happen by reason of any defective sidewalk or crossing in said city, unless the superintendent of streets shall have first had actual notice of such defect and reasonable time thereafter to have repaired the same.

Expense of cross walks.

SECTION 8. The expense of building, reconstructing and repairing of all cross walks on the line of all streets in said city shall be paid by the city at large out of the general or highway fund.

CHAPTER XI.

FINANCES.

Control of finances.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the city clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

How funds to be used.

SECTION 2. All money raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever, and any officer misappropriating any such moneys shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit

or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

Forfeitures.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury.

Appropriations.

SECTION 4. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding two hundred dollars to any public purposes they may deem proper.

Depository for funds.

SECTION 5. When the common council shall think best they may select some bank, banks, or banking association within the city, with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks or banking associations so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as is now required by the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Treasurer to deposit in bank.

SECTION 6. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of said treasurer countersigned by the city clerk.

Respecting depository.

SECTION 7. The common council may, before or after selecting a depository or depositories, contract with such bank, banks or banking associations, that it or they shall pay to the city such interest upon said funds so to be deposited as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law.

Orders.

SECTION 8. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for supplying of all funds to meet any deficiency in the treasury.

Treasurer to report lack of funds.

SECTION 9. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out then the council shall take such action as will enable the city to preserve its credit.

Power to audit accounts.

SECTION 10. The common council shall have the power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

Claims to be itemized.

SECTION 11. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it, may administer the oath required in this section, and said common council may examine the claimant on oath as to the items on such account or claim.

Appeal may be taken.

SECTION 12. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Shawano, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such

appeals, and the payment of all costs that shall be adjusted against the appellant by the court.

Notice to be given.

SECTION 13. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do and shall make out a brief return of the proceedings in the case before the said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court the county of Shawano; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon said appeal shall not exceed the amount allowed by said council, exclusive of interest on such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of the costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Determination to be final.

SECTION 14. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city.

Claim to be first presented to council.

SECTION 15. No action shall hereafter be maintained by any person against the city of Shawano upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Annual statement to be published.

SECTION 16. The common council shall, at least three days before the annual election in each year caused to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the

last annual report, together with the sources from which the former are derived, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Saleries.

SECTION 17. The salaries of all city officers of said city shall be paid monthly.

City may hold real and personal property.

SECTION 18. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; provided, that no debt shall be incurred in any such purchase which can not be paid out of the revenue of the fiscal year.

Deeding property.

SECTION 19. When the city of Shawano deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Shawano, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor may execute deed when authorized.

SECTION 20. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, and order and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance to be attached to deed.

SECTION 21. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Regarding expenditures of money.

SECTION 23. No money shall be expended for any special or extraordinary purpose, except as provided in this act, unless said expenditure shall have been authorized by a vote in favor thereof

of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words, "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

City officers' accounts to be examined.

SECTION 23. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and other officers and agents of the city, at such times as they shall deem proper, and also at the last regular meeting, as provided in section 8, chapter 5. The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, or his bondsmen who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make full record of all such settlements and adjustments.

CHAPTER XII.

JUDICIAL.

Municipal court.

SECTION 1. There is hereby created and established a municipal court in the said city of Shawano, to be styled the police court of the city of Shawano. The person elected police justi e of or in said city, shall hold and preside over said police court, and he shall have power to administer oaths and affirmations and to take and certify acknowledgments and proofs of the execution of deeds and other instruments in writing relating to real estate, or other matters required by law to be

acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice thereof shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said police justice, within said corporate limits shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Shawano county, and he shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and he shall receive the same fees as a justice of the peace, under the laws of this state, receives for his services, but the said city shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or the ordinances, by-laws, rules or regulations of said city.

Appeals.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prosecutions in said police court, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state; provided, however, that no action or prosecution brought to recover a fine or penalty for the violation or any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said police justice.

Police justice.

SECTION 3. The first police justice under the provisions of this act shall be elected on the first Tuesday of April, 1885, and shall hold his office for two years, and until his successor shall be elected and qualified. In case of the sickness, absence or other temporary inability of the police justice to discharge the duties of the office, the mayor of said city may, in writing designate any justice of the peace in the city of Shawano, to act as such police justice, and the justice so designated shall, while such inability continues, possess all the powers, right, and authority of the police

justice, and while so acting as such police justice, shall be styled acting police justice of the city of Shawano.

How vacancy shall be filled.

SECTION 4. In case a vacancy shall occur in the office of police justice, the common council shall fill such vacancy; and if any person who shall have been elected police justice and shall have qualified as such, shall fail to properly, efficiently and thoroughly discharge the duties of his office, as provided in this act, the common council of said city, by ordinance or resolution, may remove such persons from the office of police justice, and declare the office vacant, and fill such vacancy so caused; and such police justice so removed shall within five days after his removal by the common council, deliver to the clerk of said city all books, dockets, records and papers in his possession or under his control pertaining to said office of police justice, under a penalty of one hundred dollars in case of neglect or refusal to so deliver the same; provided, however, that no such removal shall take place unless the mayor and at least four aldermen shall concur, and vote in the affirmative upon the passage of such ordinance or resolution of removal. When any books, dockets, records, or papers are delivered to the clerk as herein specfied, he shall safely keep the same until they are demanded of him by the successor, duly qualified, of the person removed, and then he shall deliver such books, dockets, records and papers to such successor.

Actions to be by summons.

SECTION 5. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such peralty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture, stating the chapters and sections of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process to be by summons.

SECTION 6. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance, or regulation, the first process shall be a summons, unless oath be made for a war-

rant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 7. When the action is commenced by summons, such summons may be substantially in the following form:

County of Shawano, } ss
City of Shawano. }

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Shawano:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned police justice, in and for said city, at my office in said city, on the ——— day of———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Shawano in a plea of debt to the damage of said city, one hundred dollars or under.

Given under my hand, at said city, this——— day of———, 18—.

C. D., Police Justice.

When made returnable.

SECTION 8. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Complaint.

SECTION 9. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Shawano } In Police Justice Court,
against } Before C. D.,
A. B. } Police Justice.

"The plaintiff complains against ——, the defendant, for that on the —— day of ——, 18—, at the said city, did violate (section —— of chapter ——, of this act, or section ——, of an ordinance or by-law, or regulation of said city, describing it by its title,) which said —— is now in force. By reason of such violation, an action hath accrued to the city of Shawano to recover of the defendant the sum of —— dollars; wherefore the plaintiff demands judgment against

the defendant for the sum aforesaid, besides the costs of this action.

SECTION 10. In all cases where oath is made for a warrant the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially as follows: Form of warrant.

The City of Shawano } In Police Justice Court,
against } Before C. D., Police
A. B. } Justice.
County of Shawano, }
State of Wisconsin, } ss.

——— ———, being duly sworn complains on oath, to C. D., police justice in and for the city of Shawano, in said county, that A. B., on the ——— day of ———, 18—, at said city, did violate (section ——— of chapter ———, of this act or section ——— of an ordinance, or by-law, or regulation of said city, describing it by its title); which said ——— is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested, and held to answer to said city of Shawano therefor.

Sworn and subscribed, this ——— day of ———, 18—, before me.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths.

Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following terms:

State of Wisconsin, }
County of Shawano, } ss.
City of Shawano. }

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Shewano, greeting:

Whereas ——— has this day complained to me in writing, on oath, that A. B. on the ——— day of ———, 18—, at said city, did violate said section ———, of chapter ———, of this act (or section ——— of an ordinance, or by-law, or regulation of said city, describing it by its title) which said ——— ——— is now in full force, as the complainant believes; therefore you are commanded to arrest

the body of the said A. B. and bring him before me forthwith to answer to the city of Shawano on the complaint aforesaid.

C. D., Police Justice.

Prima facie evidence.

SECTION 11. A printed copy of an ordinance, by-law or regulation, passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Trial of case by justice.

SECTION 14. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the cause, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize with sufficient sureties, and in such sum as the court may order and approve for his appearance on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Shawano. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all the subject matter embraced in the action.

How complaint and warrant may be amended.

SECTION 13. The complaint and warrant, or either of them, may be amended and actions adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justice's court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justice's court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of this act or of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justice's courts under the general laws of the state.

Findings of court.

SECTION 14. In all actions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, or

regulation of said city, the finding of the court shall be, "guilty" or "not guilty." If not "gulity," the defendant shall be discharged by order of the court, and the police justice shall enter a judgment for costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against the city. If the finding of the court shall be "guilty," the court shall render judgment thereon against the defendant for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-laws, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order and the public good in said city, and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Shawano county or the city lock-up for such time, not exceeding fifty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

Form of judgment.

SECTION 15. In case the finding of the court be "guilty," as provided in the preceding section, the judgment of the court shall be substantially in the following form:

"The court having found the defendant, X. Y., guilty, as charged in the complaint, it is now here adjudged by the court that the said defendant, X. Y. pay a fine of ——— dollars, and the costs of this suit, taxed at ——— dollars, and ——— cents; in all the sum of ——— dollars, and ——— cents, fine and costs, and that in default of payment of the said sum, ——— dollars and ———, fine and costs, the said defendant, X. Y., be imprisoned in the county jail of Shawano county or in the city lock-up for the term of ——— days from the ——— day of ———, 18— (inserting here the date of the rendition of the judgment)."

Form of commitment.

SECTION 16. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment, which shall be substantially in the following form.

Shawano County, } ss.
City of Shawano. }

The state of Wisconsin, to the marshal of said city, and to the keeper of the common jail of said county, or the city lock-up:

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated the said X Y. was convicted of having on the —— day of ——, 18—, at the said city of Shawano, in said county of Shawano, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of —— dollars and the costs of suit taxed at —— dollars and —— cents; in all, the sum of —— dollars and —— cents, fine and costs, and that in default of payment of said sum of —— dollars and —— cents, fine and costs, the said X. Y. should be imprisoned in the common jail of said Shawano county or the city lock-up, for the term of—— days, from the —— day of ——, A. D. 18—; and whereas, there has been and is default in the payment of the said sum of —— dollars and —— cents, fine and costs; now, therefore, you the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said —— days, or until he shall be thence discharged by due course of law.

Given under may hand the —— day of ——, A. D. 18—.

—— ——, Police Justice.

To be sent to the circuit court for appeal.

SECTION 17. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city may appeal from the judgment of conviction to the circuit court of Shawano county; provided, such person shall, within twenty-four hours after the rendition of such judgment, enter into a recognizance to said city in the sum of two hundred and fifty dollars, with one or more sufficient sureties, to be approved by the police justice, conditioned to appear before said circuit court at the next regular term, and from term to term thereafter, and to abide the judgment of the said circuit court therein; and the police justice shall

make a special return of the proceedings had before him, and shall cause the complaint, warrant and return, together with the recognizance or recognizances, to be filed in the office of the clerk of said circuit court on or before the first day of the term thereof next to be holden in said county, and the complainant and witnesses may also be required to enter into recognizances, with or without sureties, in the discretion of the police court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein.

How appeals to be conducted in circuit court.

SECTION 18. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts under the general laws of this state, and the judgment of such court shall be carried into execution as hereinbefore provided, as near as may be.

How service is to be made.

SECTION 19. Whenever any suit or action shall be commenced against said city, the service in such case shall be made by serving the summons or other process on the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof.

Shall not work incompetency.

SECTION 20. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or resident of said city, in any action or proceeding in which said city is a party or interested.

Attendance of witnesses and jurors.

SECTION 21. Witnesses and jurors shall attend before the court in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Annual report of justices.

SECTION 22. The police justice shall, on the Monday two weeks preceding the annual election in each year, file with the city clerk a report showing the amount of fines and penalties received by him during the time covered by such report, and the amount of such fines and penalties paid by him to the treasurer of said city, and the dates of payment of the same, and with such report he shall file the precepts showing such payment received by him from the treasurer during the time covered by such report. And the clerk shall lay such report before the common council

at the next regular meeting after the same shall have been filed; and all fines and penalties, by whomsoever received or collected, shall be paid over to the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIII.

SCHOOLS.

Schools.

SECTION 1. The territory embraced within the limits of the city of Shawano as prescribed by this act or which may hereafter be attached, shall constitute and be called, "The school district of the city of Shawano," and the management of school matters shall remain the same as has heretofore existed under the general laws of the state.

CHAPTER XIV.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Regulate construction of buildings.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in

such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs, or ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient; and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase fire-engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed thirty able bodied men between the ages of eighteen and fifty years, but no company shall have less than fifteen active, able bodied members, and they may elect their own officers, and form their own by-laws not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax, and from serving on juries, and from military duty, in the city of Shawano, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of seven years, in either of such companies, shall be forever thereafter exempt from poll tax and military duty, except as in cases before mentioned.

Annual meeting.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be

designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer, and one assistant engineer, and one treasurer; and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

Firewardens.

SECTION 5. The mayor shall appoint two firewardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store or barn or inclosure for the purpose of inspecting the same.

Penalty for refusing to obey lawful order of proper officers.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer, firewarden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack companies.

SECTION 7. The common council shall have power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Shawano, and are hereby vested with all the power and au-

thority which is now or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as shall be necessary for the peace and good order of the same.

Duty of treasurer.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Clerk or secretary to be elected annually.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member or either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for cause cease to be a member

of either of said companies the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Shawano a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Chief engineer.

SECTION 11. The chief engineer shall have control of the fire department of the city of Shawano and to prescribe the duties of the officers and members thereof, and when authorized by the common council he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire-engines, and see that they are always in working order; in the absence of the chief engineer, the assistant chief shall have full power and control. The chief engineer shall on the first day of March in each year make report in detail and under oath to the common council of all property belonging to the city in possession of the fire department and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designated to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report. The chief engineer shall receive such compensation as the common council may determine.

CHAPTER XV.

MISCELLANEOUS.

Sidewalks.

SECTION 1. Every corporation, association or society owning, and each and every owner of any lot, part of lot, or parcel of land in said city, upon, along, in front of, or adjoining which there shall have been or shall hereafter be placed, constructed or laid, any walk or sidewalk for the use or accommodation of the public to walk upon, shall at all times keep and maintain said walk or sidewalk,

or cause the same to be kept and maintained, in a safe, convenient and effective condition, for the use of any person or persons desirous to walk thereon; and any person who may have been or shall hereafter be injured by reason of the unsafe or defective condition of such walk or sidewalk, shall have the right to maintain an action in any court of record against such owner or owners, for all damages or injury of every nature resulting to such person or persons by reason of the neglect of such owner to maintain, or caused or cause to be maintained, such walk or sidewalk in a safe, convenient and effective condition; provided, that no action shall be maintained against such owner, unless the same be commenced within sixty days from the time such injury shall have happened to the person so claiming such damages.

City shall not be liable for damages.

SECTION 2. It is hereby declared to be the true meaning and intent of this act, in the provisions relating thereto, that the said city of Shawano shall not, in any case be liable to any person or persons for damages resulting from the defective, unsafe or dangerous condition of any walk or sidewalk mentioned in the foregoing section, or for any neglect in the keeping and maintaining of the walk or sidewalk of said city in a safe, convenient or effective condition, and the only cause of action to which the said city of Shawano shall be liable, or which shall be maintained in any court against said city, in connection with, or relating to the damages resulting from the failure to keep the walks or sidewalks in said city, in a safe, convenient or effective condition, shall be by reason of the failure of any person or persons to collect a judgment recovered against such owner, or owners, or corporation, or society for any such damages, resulting from such injuries, as hereinbefore stated.

Execution returned unsatisfied.

SECTION 3. Whenever an execution upon any judgment recorded by any person or persons, against any such owner or owners of any lot, part of lot or parcel of land mentioned in the next two preceding sections, for damages resulting from the unsafe, defective or dangerous condition of any walk or sidewalk, shall have been returned, as provided by law, unsatisfied, and no fraud, collusion or misrepresentations shall have been

practiced by any of the parties thereto, or for and on their behalf, an action may then be commenced in any court of record against said city for the said damages resulting from the unsafe, defective or dangerous condition of such walk or sidewalk, and said city may interpose a defense to the merits of said cause of action, in the same manner as said owner or owners shall have made, or may have made, or any other defense which may be sufficient in law or equity to defeat said claim; and the said judgment against said owner or owners, shall in no way be effectual or operate as a bar to any defense the said city may interpose; provided, that it shall be a sufficient and complete defense to any such action commenced against said city to maintain collusion, fraud or misrepresentation by any of the parties to said judgment, or by any person or persons for and on their behalf; and, provided further, that no such action shall be maintained against said city unless commenced within six months after the return of execution unsatisfied, or within one year after the recovery of such judgment against such owner or owners; nor shall such action in any event be maintained unless the person or persons claiming such damages, shall have in the first instance filed with the city clerk, a statement of the claim, together with the name of the person or persons against whom the claim is made, and the circumstances out of which it arose, duly verified on the oath of the claimant or claimants, within sixty days after the happening of the occurrence by which the injury was done and damage resulted.

Regarding defective sidewalks.

SECTION 4. In case of injury or damage by reason of insufficient, defective or dangerous condition of drains, sewers, gutters or ditches, bridges, and such portion of streets as are not included in sidewalks, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or corporation shall be primarily liable for all damages for such injury, in suit for the recovery thereof, by the person sustaining such damages, and the city shall not be liable therefor, until all legal remedies shall have been exhausted, to collect such damages from such person or corporation; provided, that this section shall apply to and hold as liable all persons who may have produced or

caused such wrong, neglect of duty, default or negligence, while holding contract relations with said city, or any department therein, as well as all persons who at the time shall not hold contract relations with said city.

No action shall lie unless statement of account be presented.

SECTION 5. No action shall lie or be maintained against the city of Shawano on contract until the claimant shall have presented to the common council a statement of the claim and the amount thereof, and the circumstances out of which it arose, duly verified on the oath of the claimant, and the council shall have allowed a regular meeting to have passed without an adjustment with the claimant or such claim or demand.

How action in tort shall lie.

SECTION 6. No action in tort, other than is hereinbefore provided, shall lie or be maintained against the city of Shawano, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and the amount of damages claimed shall be presented to the common council within sixty days after the occurring or happening of the tort alleged; provided, that this section shall not apply or qualify any of the provisions of sections 1, 2, 3, of this chapter.

Failure to hold election.

SECTION 7. If any election by the people or common council shall not be held, from any cause, at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, said city corporation shall not be dissolved, but such election or organization may be had on any subsequent day by order of the common council thereof; and if any of the duties enjoined by this act, or the ordinances or by-laws of said city, to be done by an officer or agent at a specified time, and if the same is not then done or performed, the common council may appoint another time at which the said act or acts may be done.

Emoluments not available to city council.

SECTION 8. No member of the common council shall be competent to hold any other office or appointment of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act, order, resolution or ordinance of the common council, or be directly or indirectly interested in any contract the expense or consideration whereof, is to be paid under any

ordinance or other action or direction of the common council.

Officers of the peace.

SECTION 9. The mayor, aldermen, city marshal and his deputies and the sheriff and his deputies of Shawano county, and all constables of the city of Shawano, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any of said officers or persons by them commanded shall refuse or neglect to aid or assist such officers in maintaining the peace, or in the service of any process, or arresting offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Shawano county or the city lock-up until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

Service of process.

SECTION 10. Service of process for the commencement of any action against said city shall be made by leaving a copy of the same with the mayor, and it shall be his duty forthwith to inform the common council thereof, and take such other proceedings as the nature of the case shall require or as by ordinance or resolution of the common council in such cases directed.

Use of jails.

SECTION 11. The use of the jail of Shawano county shall be granted to said city for the confinement of offenders, and every such offender who shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Tax levy.

SECTION 12. The board of county supervisors may levy taxes within said city in the manner provided by the general laws of this state, and cause the same to be certified to the city clerk, and the said city clerk shall thereupon proceed to calculate and carry out the same, together with all taxes levied under the provisions of this act or of any other law, in a tax roll to consist of but one book or volume, and in the manner provided by law for the levy of taxes in towns. And in

all other respects not herein provided for, the taxes upon such tax roll shall be collected in the manner now provided, or as may be hereinafter provided by law, for the collection of taxes in towns.

Penalty for failure to deliver.

SECTION 13. If any person having been an officer in said city shall neglect or refuse for ten days after notification and request to deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Vacancy.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy in the manner hereinbefore provided.

Regular committees named.

SECTION 15. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election or as soon thereafter as convenient.

Expulsion of members.

SECTION 16. The common council may, by a two-thirds vote thereof, upon due notice, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

Actions brought in corporate name of city.

SECTION 17. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be sufficient for the complaint in the action generally to allege that the defendant is indebted to the plaintiff in the amount of such penalty or forfeiture, or in such other manner as may be provided by law in actions to recover penalties or forfeitures, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is

claimed, and to give special matter in evidence under it.

Repairing sidewalks.

SECTION 18. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

Poor laws.

SECTION 19. The laws of the state for the relief and support of the poor in towns, shall apply to said city of Shawano, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city, shall have the same powers, be subject to the same liabilities and governed by the same law as supervisors of towns.

Amount of expenditures.

SECTION 20. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed four hundred dollars in any one year.

Width of streets.

SECTION 21. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Shawano, who may desire to subdivide or plat such tract, lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plats to correspond in width and general direction with the streets of the city.

Not invalidate.

SECTION 22. This act shall not invalidate any legal act done by the common council of the city of Shawano or by its officers, nor divest their successors under this act of any rights of property or otherwise, or any liability which may have accrued to or against said corporation prior to the passage of this act, and all ordinances, rules and regulations now in force in said city, not contravening the provisions of this act, shall be and remain in force until altered or repealed by the common council. The present offices of said city of Shawano shall hold their respective offices until the officers specified in this act shall have been elected and qualified.

Violations of ordinance.

SECTION 23. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the viola-

tion of any city ordinance for drunkenness, vagrancy, mendicancy, street begging, or for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs, imposed therefor, shall work out such fine and costs upon the public streets of said city, or shall do any other work that such city may have or wish to be done, and the compensation therefor, to be fixed by the common council, shall be deducted from such fine and costs thereon; and the common council may pass the necessary ordinances to carry out the provisions of this section.

City property exempt.

SECTION 24. All fire-engines, hose, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements shall be exempt from attachment or execution issued in any action or any judgment wherein the said city shall be a party.

Individual property not to be sold on execution.

SECTION 25. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Duty of physicians.

SECTION 26. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting to do so shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

Printing to be let to lowest bidder.

SECTION 27. The common council, at their first meeting in each year, or as soon thereafter as may be, shall provide that all printing authorized or required by it to be done for the city may be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper, printed and published in the city of Shawano in the English language, unless the bids of such publishers shall be deemed exorbitant or unless such publishers should fail to bid. All ordin-

ances and other proceedings required by this act, or by the resolutions or ordinances of the common council to be published shall be published in the newspaper so selected, and said paper shall be the official newspaper of said city. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by law which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published; and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

No compensation shall be paid to mayor or alderman.

SECTION 28. No compensation or salary shall be paid the mayor or any alderman of said city for any purpose or under any pretext whatever for any official duty he or they may perform for said city.

Pardons.

SECTION 29. The mayor shall have the power to grant pardons or commutations after conviction, for all offenses against the ordinances of the city or of this act, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Shall not overdraw funds.

SECTION 30. The common council shall not contract indebtedness or incur liability or appropriate money in any one year, payable out of any fund authorized to be raised in said city, to a greater amount than the amount of such fund so authorized to be raised in any such year, and every member of the common council who shall vote to contract any indebtedness or incur any liability or to appropriate any money payable out of any fund in excess of the amount of such fund authorized to be raised in such year, shall forfeit and pay the sum of fifty dollars for each and every offense.

Resignations.

SECTION 31. Any officer of said city may resign his office by filing his written resignation with the city clerk; and such resignation shall take effect and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council, and not otherwise.

Ornamental trees.

SECTION 32. The common council of the city of Shawano shall have power to require the owner

of any lot or grounds in said city to set out ornamental or shade trees in the street or streets in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out. Said council shall also have full power and authority to do all other needful acts as to them may seem just and proper to give to this section full scope and effect.

City may purchase tax sale certificates.

SECTION 33. The city may purchase tax sale certificates of the county and take deeds upon the same in its own name for any land returned by it to the county for non-payment of taxes, and land so deeded shall not be taxable until sold by the city.

Power to change name of streets.

SECTION 34. The council shall have power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietor of said plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

Revision of ordinances and by-laws.

SECTION 35. If the common council of said city at any time shall revise its existing ordinances and by-laws, and shall thereafter publish the same in book or pamphlet form for use and distribution, such publication shall be deemed and held to be a legal and sufficient publication of said ordinances and by-laws, respectively, anything in this act to the contrary notwithstanding.

Public act.

SECTION 36. This act shall be deemed a public act and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places; and all ordinances, orders, rules, resolutions or regulations and by-laws of said city, when printed and published as in this act provided, shall be received and read in evidence in all courts and places without further proof. Also the book in which the ordinances of said city

are recorded at length by the city clerk shall be received and read in evidence in all courts and places without further proof.

Does not repeal.

SECTION 37. No general law of this state, contravening the provisions of the city charter, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repealing section.

SECTION 38. All acts heretofore passed relating to the charter of the city of Shawano, or any amendment thereto, and chapter 278, laws of 1874, are hereby repealed.

SECTION 39. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

[No. 425, A.] [Published April 8, 1885.]

CHAPTER 160.

AN ACT to amend section 6, chapter 54, of the laws of 1885, entitled, "An act to incorporate the city of Viroqua."

The people of the state of Wisconsin represented in ssnate and assembly, do enact as follows:

Section 6 amended.

SECTION 1. Section 6, of chapter 54, of the laws of 1885, is hereby amended by inserting the word, "clerk" in the second line after the word, "treasurer," and when so amended shall read as follows: Section 6. The elective officers of said city shall be a mayor, treasurer, clerk, assessor, marshal, two justices of the peace, one police justice and two constables for the city at large, and two aldermen for each ward and one supervisor for each ward who shall represent said ward on the county board of Vernon county. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council. The treasurer, assessor, marshal, supervisors, clerk, justices of the peace, police justice, and constables shall be qualified voters and residents of the city of Viroqua, and the mayor and aldermen shall be qualified voters and freeholders

in the city of Viroqua. All elective officers except justices of the peace, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power for cause to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, one notice in writing being first given the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

[No. 624, A.] [Published March 30, 1885.]

CHAPTER 162.

AN ACT to incorporate the city of Elroy

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1885, shall be a city by the name of Elroy; and the people new inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Elroy, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure. Corporate name.

SECTION 2. The west half of the southwest quarter of section number twenty-eight, the southeast quarter of section number twenty-nine, the west half of section number thirty-two, the east City boundaries.

half of section number thirty-three, the southwest quarter of the southeast quarter of section thirty-three, all in township number fifteen north, of range number two east, in the county of Juneau and state of Wisconsin, being in part the territory now included in the village of Elroy, shall be included in and constitute the limits and boundaries of the city of Elroy.

Ward boundaries.

SECTION 3. The city of Elroy shall be divided into two wards. All that part of said city lying north and east of the line of the Chicago & Northwestern railroad, running through said city, shall be known as the second ward. All that part of the said city lying west and south of the said line of the Chicago & Northwestern railroad shall be known as the first ward.

Corporate authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of three members from each ward, who with the mayor, shall be denominated the common council together with such other officers as are hereafter mentioned, or may be created under this act.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, an assessor, and a clerk, from the city at large, and a supervisor, a constable, two justices of the peace, and three aldermen from each ward. The mayor, treasurer, assessor and clerk shall be qualified voters and residents of said city; and the supervisors, constables, justices of the peace and aldermen, qualified voters of said city, and residents of the respective wards for which they are elected. All other officers necessary for the proper management of the affairs of said city, including those officers hereinafter mentioned, shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their offices for one year, and until their successors are elected and qualified; provided, however, that the common council shall have power to remove at pleasure any appointive officer or agent under the city government. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

In case of vacancy.

SECTION 6. Whenever a vacancy shall occur in the office of mayor, or justice of the peace, such vacancy shall be filled by a new election, which

shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The persons elected or appointed to fill any vacancy shall hold office, and discharge the duties thereof, for the unexpired term, and with the same rights, and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Elections shall be by ballot.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and in such manner as they shall direct.

Qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who are actual residents of the city of Elroy, shall be entitled to vote for any officer to be elected in the ward in which they reside, and be deemed qualified electors at the city elections.

First election when held.

SECTION 9. The qualified voters of the city of Elroy shall hold an election on the first Tuesday of April in each year, for the election of the officers named in section 5, of this act, which election shall be presided over by inspectors of election, appointed by the council in the manner provided by the general laws of the state of Wisconsin, now in force, governing general elections, who shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Elroy, and the other to the county clerk of the county of Juneau. The common council shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate, to be served as a summons is served in justice court, the persons elected to the re-

spective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon. Said election shall be conducted in accordance with this act, and with the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such election, shall be punished in the same manner as any violation of the election laws in any part of the state.

Penalty for illegal voting.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering to vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election, and that you are a resident of this ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every

inspector or clerk shall be liable to prosecution and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars.

In case of removal from the city.

SECTION 11. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall refuse or neglect to qualify, on or before the third Tuesday of April, next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office, immediately after receiving notice of such election or appointment,

Terms of officers, except justices of the peace.

SECTION 12. The term of every officer elected under this act, except justices of the peace, shall commence the third Tuesday in April of the year for which, and in which, he was elected.

Special election to fill vacancy may be held.

SECTION 13. Special elections to fill vacancies, or for any other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

In case of failure to elect.

SECTION 14. Should there be a failure to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Oath of office and bond of officers.

SECTION 15. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk. The treasurer, clerk, marshal and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Elroy a bond, with two sureties, to be approved by the common council, or a majority thereof; and said common council may, from time to time require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 16. The mayor, when present, shall preside over the meetings of the common council,

and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and head of the police of the city, and in case of riot and other disturbances or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall, in all cases, have a seat in the common council, and he shall vote in the common council only in case of a tie vote, he shall give the common council such information and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same, and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections, and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by a vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The common council shall at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who, in the absence of the mayor, shall act as such mayor, and have and possess all the rights and privileges of such officer, and be subject to all the liabilities thereof, during the absence of such mayor, and who, when so acting, shall be denominated acting mayor.

Duties of clerk.

SECTION 17. The city clerk shall perform all the duties required of him by law and the ordinances of the city; he shall be keeper of the books, records and papers, and the corporate seal of the city, and the records and proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect; he shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town

clerks; he shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid as when filed in the office of town clerks; and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of treasurer.

SECTION 18. The city treasurer shall perform all duties required of him by law; collect all city, county, and state taxes, and pay over all moneys in his hands, according to law; he shall keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city; he shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same were paid, and also of all moneys by him paid out; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city, under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom, except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers, and be subject to the same laws and liabilities, and governed by the same laws as treasurers of towns in this state, provided, thal he shall receive no other fee except the compensation hereinafter provided.

Duties of city marshal.

SECTION 19. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and collection of license moneys and fines; he shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same, in any part of the state. It shall be his duty to suppress all riots, disturbances and

breaches of the peace, and to remove obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial; and for such service he shall receive such fees as are allowed to constables for like services in this state, and such additional compensation as the common council shall determine. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers and authority, and be subject to the liabilities with the marshal.

Penalty for failure to deliver to successor.

SECTION 20. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects belonging to said city, pertaining to the office, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

Shall not be interested in any job or contract.

SECTION 21. No mayor or alderman shall be a party to, or interested in any job or contract with the city, and any contract or job in which they or either of them may be so interested, shall be null and void; and in case any money has been paid on any such contract, the common council may sue for, and recover back the amount so paid, from the parties to such contract, and the mayor or alderman interested in the same.

Officers of the peace, by whom constituted.

SECTION 22. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman, and constables of said city, and the sheriff of Juneau county, and his deputies, shall be the officers of the peace, and may command the

peace, and suppress in a summary manner all riotous or disorderly behavior within the limits of said city; and, for such purpose, may command the assistance of all by-standers, and if any person, by-stander or private citizen shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Jurisdictions of justices of the peace.

SECTION 23. The justices of the peace elected under this act, and those justices of the peace now residing within the limits of the said city of Elroy, during their unexpired term, shall have the same jurisdiction in all respects as justices of the peace of towns of Juneau county, and also like jurisdiction in the town of Hillsborough, Vernon county, and the town of Glendale, Monroe county, and shall be subject to the same liabilities and regulations as justices of the peace under the general laws of the state of Wisconsin. The terms of office of justices of the peace elected under this act shall commence at the same time, and they shall qualify in like manner as justices of the peace under the general laws of the state of Wisconsin, except that their official bonds shall be approved by the common council of the city of Elroy; and all general laws prescribing the duties or affecting the jurisdiction of justices of the peace, shall apply to justices elected under this act, except as otherwise herein expressed; provided, that each justice shall reside in the ward for which he was elected.

Justices to account for fines and penalties.

SECTION 24. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by him, and belonging to said city, within ten days after receiving the same, and take his receipt for the same in the docket. Said justices shall be entitled to receive, in all cases had before them in which the city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state, in similar cases had before them.

Duties of assessor.

SECTION 25. The city assessor shall assess the real and personal property of said city, at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him

to perform; and he shall receive a compensation therefor not to exceed fifty dollars a year.

Duties of street commissioner.

SECTION 26. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, cross walks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council, recommending, in his opinion, what is necessary and ought to be done thereto, and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such streets or sidewalk, if, in its opinion, it is a matter of necessity.

Further duties of street commissioners.

SECTION 27. It shall be the duty of the street commissioner to see that all ordinances of the city, relating to the obstructions and cleaning, or closing of sidewalks, cross walks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

Common council.

SECTION 28. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "The common council of the city of Elroy do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

First annual meeting.

SECTION 29. The common council shall hold its first annual meeting in each year, on the second Tuesday after the regular city election, and thereafter meetings at such times as they shall appoint; and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, by fines or otherwise.

SECTION 30. The common council shall have

the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade and commerce and health as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such rules, ordinances and by-laws are hereby declared to be, and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States or of this state. For these purposes, they shall have authority, by ordinance, resolution and by law: Control and management of finances.

1st. To license and regulate, the exhibition of common showmen, and shows of any kind, or the exhibition of caravans, circuses, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances, or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the general laws of the state of Wisconsin, and that all licenses shall be granted to expire on the first day of May next following in each year. Power to grant licenses.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gaming in said city, and te restrain any person from vending, or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council. Gambling and fraudulent devices.

3d. To prevent any riots, noise, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gambling. Riots.

Slaughter-houses and combustible materials.

4th. To direct the location and management of slaughter-houses and markets, and regulate the storage, safe keeping and conveying of gunpowder, or other explosive or combustible materials.

Running of engines through city.

5th. To regulate the running of engines, locomotives and cars through said city.

Breweries, etc.

6th. To direct the location of, regulate and license breweries, tanneries and packing houses.

Streets, etc.

7th. To provide for the making, grading, improving and repairing the streets of the city of Elroy, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber firewood or other materials or substances whatever.

Racing, immoderate driving, etc.

8th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

Dogs.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance of said city.

Putrid substances, etc.

11th. To prevent persons from bringing, depositing or having within said city, or placing in the ponds adjacent to said city, any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, hides or skins of any kind, or on default to authorize the removal by some competent officer, at the expense of such person or persons.

Pounds, etc.

12th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the construction and maintenance of water-works and sewers; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps, and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

13th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

14th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

15th. To prevent all persons riding or driving any horse, mule, cattle and other animals on the sidewalks in said city, or in any way doing damages to such sidewalks. Driving on sidewalks.

16th. To prevent shooting off fire-arms or crackers, and to prevent the exhibition of fire-works, in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to the citizens thereof. Shooting fire-arms and crackers.

17th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness.

18th. To restrain and regulate runners and solicitors for stages, cars, public-houses and other establishments. Runners and solicitors.

19th. To make rules and ordinances for the regulation and government of the police of the city. Police regulations.

20th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. Public markets.

21st. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.

22d. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove Removal of rubbish.

from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substances, by some officer of the city, at the expense of such owner or occupant.

Contagious diseases.

23d. To regulate, prevent and control the landing of persons from cars and stages, or other vehicles, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Auctions and vendues.

24th. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise at public auction, and to grant licenses for the sale of goods, wares, merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars, nor more than five hundred dollars, for any such license for one year; and provided also that nothing in this section shall prohibit, or affect in any manner, sales at auction, in cases specified in section 1585, of the revised statutes.

Watchmen.

25th. To appoint watchmen and to prescribe their duties.

Weights and measures.

26th. To provide by ordinance for a standard of weights and measures.

Trees and monuments.

27th. To protect trees and monuments in said city.

Open streets.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, and alleys, and to keep them free from incumbrance, and to protect them from injury.

Change name of streets.

29th. To alter or change the name of any street in the city.

School districts.

30th. To consolidate or change the boundaries of school-districts in said city, under the same restrictions and with the same power as is now conferred on town boards under the general laws of this state.

Repeal ordinances.

31st. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, necessary for the good order and government of the city, which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by

this act, or which may be vested in any officer of said city by any ordinance thereof.

32d. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor. Employ counsel.

33d. To purchase real estate, and provide for the erection of a city hall and engine-house. Purchase real estate.

34th. To call special elections for the purpose of raising a tax, where, in its opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements. Special elections to raise taxes.

35th. To establish grades of any or all streets in the city; to cause sidewalks, gutters and pavements to be constructed, and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface water, or other waters from whatever source coming on the street or streets; and when a grade is so established, they shall cause an accurate profile to be made thereof, and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile, and the ordinance establishing the same. Establishment of grades of all streets.

36th. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint and direct the election of such officers for such department, as it shall see fit, and to define their power and duties; to provide protection from fire by the purchase of fire-engines, and all necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction of water mains, reservoirs or other water-works; to erect engine-houses; to compel the inhabitants of the city to aid in the extinguishing of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them, or any two of them who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and either dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and fire-arms in the city or any part thereof; to authorize firewardens, at all reasonable times, to enter into and examine all dwellings, lots, yards, Fire department.

inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; and generally to establish such necessary measures, for the prevention or extinguishing of fires as it may be necessary and proper; and to declare by ordinance the punishment for violation or any such ordinance or regulation. The fire company now and heretofore existing in the territory of said city, and heretofore known as the fire department of the village of Elroy, and their constitution, laws and by-laws, regulations and officers, shall continue in full force in said city of Elroy, and be supported by said city, until the common council shall establish a fire department under the provisions of this act, and the proper officers of the department now existing shall, in the months of May and October in each year, make a report to the common council, showing an estimate of what will be necessary and required for the maintenance of said department; and also a correct statement, showing for what purpose moneys have been expended, which may have been paid to said department by the city.

Awnings.

37th. To regulate and control, or prohibit the erection of awnings and awning posts, and to provide for and control the erection and maintenance of hitching posts for teams.

Ornamental shade trees.

38th. To regulate and control the setting out of ornamental or shade trees in the streets of said city, and to require, by ordinance, the owners of lots or grounds, to set out and plant shade trees in the streets adjacent to their grounds, and to prescribe the kind and size of such shade trees, with power to levy special taxes upon the adjacent lots or grounds, to defray the expense thereof by the city, in case of default by the lot owner.

Fire limits prescribed.

39th. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, where the same shall have

been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Ordinances—how passed.

SECTION 31. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor and shall be published in a newspaper published in the city of Elroy before taking effect, and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for the purpose; but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the same time, shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times such record, or a duly certified copy thereof, shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Abatement and removal of nuisances.

SECTION 32. The power conferred upon said council, to provide for the abatement or removal of nuisances, shall not bar nor hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind, wherein more than one hundred pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Examine and adjust accounts.

SECTION 33. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as they may deem proper, also at the end of each year, and before the time for which the officers of said city are elected or appointed, shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officers shall refuse to comply with the orders or requirements of the council, in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books and vouchers to said council, to declare the office

of such person vacant; and the common council shall order suits and proceedings at law, against any officer or person, or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, upon an affirmative vote of two-thirds of its members, upon reasonable notice, to remove from office, any officer of the city, elected or appointed by the common council.

Funds to be under control of council.

SECTION 34. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city.

Penalties to be paid into city treasury.

SECTION 35. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules, resolutions, and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become part of the general fund. All orders shall be payable to the person, or order of the person, in whose favor they may be drawn.

Annual city tax levy.

SECTION 36. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of the city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes, exceeding two per cent. upon the assessed valuation of said city, in any one year unless authorized to raise a greater sum, by the majority of the electors of said city, at a general or special election.

Accounts to be verified.

SECTION 37. No account of any person shall be allowed by the common council, unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire, under the super-

vision of the street commissioner, duly certified by him.

Regarding claims.

SECTION 38. When the claim of any person against the said city shall be disallowed, in whole or in part, by the common council, the determination of the common council, disallowing the same, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city.

Claims to be presented before allowed.

SECTION 39. No action shall be maintained by any person against the city of Elroy, upon any claim or demand, until such person shall first have presented his claim or demand to the common council for allowance.

Care of paupers.

SECTION 40. The paupers of said city shall be cared for and supported in the same manner as the poor from the several towns of Juneau county are cared for. The town treasurer of the town of Plymouth, in the county of Juneau, shall pay over to the treasurer of the city of Elroy, upon this charter going into effect, an amount of the money belonging to the poor fund of said town proportionate to the number of poor in said town of Plymouth and city of Elroy, respectively.

What annual report shall show.

SECTION 41. The common council shall annually, on Tuesday next preceding the annual election, make a report, showing in detail all the receipts and disbursements of said city for the past fiscal year, and cause the same to be published before the annual election.

Streets and alleys.

SECTION 42. The common council shall have power to lay out streets and alleys and widen the same as follows: Whenever ten or more freeholders, residing in said city, shall, by petition, represent to the common council that it was necessary to take certain lands within the city for the public use for the purpose of laying out public streets or alleys, or enlarging the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given on the owners or occupants of said lands, if any

there be, or if any portion of such lands shall not be in actual occupation of any person, then the common council shall cause such notice; describing as near as may be the premises proposed to be taken, to be published in a newspaper in said city four weeks successively, at least once each week.

Appointment of jurors.

SECTION 43. Such notice shall state that, upon a day therein named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner of said county of Juneau for the appointment of twelve jurors to view said premises and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition.

Twelve resident freeholders to be appointed.

SECTION 44. Upon the presentation of such application, and upon proof of the publication or service or notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors, in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

City marshal to serve precept.

SECTION 45. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service, he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to view premises.

SECTION 46. The said jurors, at such time as shall be designated in said precept shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing; and either of the jurors shall be authorized to administer oaths to the witnesses. After viewing the premises in question, and hearing the testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state, whether, in their judgment, it is necessary to take the premises in question, for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, to again view the premises to ascertain the amount of damages to be paid the owner, or owners, of the property proposed to be taken, and to assess and return, within the twenty days, such damages to the common council who shall enter an order confirming the same.

In case there is a building on premises.

SECTION 47. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; secondly, the value of such building to him to remove.

Notice to be given.

SECTION 48. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city, for three successive weeks. Such notice shall specify the buildings and the award of the jurors; and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

SECTION 49. If the owner shall refuse to take

In case owner shall refuse to take building.

the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such buildings at public auction for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded them by the jurors.

Award to be signed by jurors.

SECTION 50. The award of said jurors shall be signed by them, and returned together with the testimony taken and the precept to the common council, within the time limited in such precept. Any person whose property is taken or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Juneau county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city, conditioned for the faithful prosecuting of such appeal, and the payments of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge, or court commissioner.

Damages shall first be paid.

SECTION 51. The lands required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled, shall be paid or tendered to the owner or party entitled thereto, or his agent, shall refuse to accept such tender, or cannot be found, or is unknown, deposit it to his credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered, or deposited, as herein required, and if not so paid, tendered or de-

posited within one year from the confirmation of such assessment, the proceedings shall be void.

Property subject to taxation.

SECTION 52. All property, real or personal, within the city, excepting such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, that the common council may prescribe the form of assessment roll, and make such rules and regulations in relation to revising, altering or adding to such rolls, as it may, from time to time deem advisable. When the assessment roll shall be completed, the assessor shall return said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in in said roll, and for the purpose of equalizing the same may alter and add to, take from, and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessments shall have the same force as it would have had if made the year when the same was omitted; should the tax or assessment upon any parcel of land be set aside, or declared void by reason of any defect or informality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied in such manner as it shall direct by ordinance.

Board of equalization.

SECTION 53. The common council shall constitute the city board of equalization, and shall meet on the first Monday of July in each year, at nine o'clock in the forenoon, and shall proceed in all respects, as town boards are by law required to proceed, as far as the same are applicable, revis-

ing, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board, and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or corporation assessed for personal tax, from the delivery of the warrant, for collection thereof until paid.

Tax roll to be made out by the clerk.

SECTION 54. It shall be the duty of the city clerk, immediately on receipt of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent where less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year, and to each assessment roll so delivered, a warrant under the hand of the clerk and the corporate seal of said city shall be annexed substantially in the following form:

Form of warrant.

The state of Wisconsin, to the city treasurer of the city of Elroy, in the county of Juneau:

You are hereby commanded to collect from each one of the persons or corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein

described; and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Juneau, on or before the last Monday in January next, the sum of —— for state taxes, and the further sum of —— for county taxes, and the balance of said money you are required to retain and pay out according to law; in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Juneau.

Given under my hand and the corporate seal of the city of Elroy, this —— day of ——, ——.

——— ———,
City Clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons named were subject to taxation, and that the assessment was just and equal.

General laws shall be in force.

SECTION 55. All the general laws of this state which are now, or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes, except as herein provided.

Notice to be published.

SECTION 56. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days notice of the time and place of such sale, by posting up not less than three written or printed notices, in as many public places in the city.

Treasurer's fees.

SECTION 57. The treasurer shall collect as fees

for the collection of taxes, one and one-half per cent. on all taxes collected by, or paid to him, prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to, or collected by him, after the second Monday of January, and in case of distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods upon execution.

State tax assessed.

SECTION 58. The treasurer shall, on or before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the property of said city.

In case treasurer is unable to collect tax.

SECTION 59. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state, and any act that may hereafter be passed amendatory of said acts in addition thereto.

Council cannot borrow money unless authorized.

SECTION 60. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money, or from authorizing any city officer to borrow any money for the use of the city, nor shall it have authority to issue any bonds, or to contract any debt for any purpose whatever, unless there is money in the treasury for the payment of the same, except for such work on the streets as shall be paid for by special tax or assessment on the property benefited thereby, and except as hereinafter expressly provided; and no order or other certificate of indebtedness, shall be drawn upon the city treasury unless the same shall be authorized by two-thirds of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the common council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Schools.

SECTION 61. The common schools of the city of Elroy, shall be under the control and supervision of the school-district board of each district, in the same manner as if this act had not passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between town and school-districts therein, and the

same reciprocal powers and duties, and until otherwise provided, by the common council of said city. The territory embraced within said city limits, and the inhabitants thereof, shall constitute one school-district, to be known as joint school-district number six, of the city of Elroy and town of Wonewoc. The officers of school-district number six, of the city of Elroy and town of Wonewoc, shall be the officers of said school-district number six, of the city of Elroy and town of Wonewoc, during their unexpired term, and until their successors are elected and qualified, in accordance with the laws of the state of Wisconsin, regulating school-districts, and all real estate and personal property belonging to joint school-district number six of the towns of Plymouth and Wonewoc hereby vested in school-district number six of the city of Elroy and town of Wonewoc.

Town treasurer to pay over funds to school-district treasurer.

SECTION 62. The town treasurers of the towns of Plymouth and Wonewoc shall pay over to the school-district treasurer of joint district number six, of the city of Elroy and town of Wonewoc, all moneys which, by present apportionments, or by those hereafter to be made, for the year 1885, belong to joint school-district number six, of the towns of Plymouth and Wonewoc, taking his receipt therefor.

School fund apportionments.

SECTION 63. For all future apportionments of county and state school fund, the city of Elroy shall be considered as a town, and apportionments made accordingly.

What is deemed official copies.

SECTION 64. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in a pamphlet or book form, purporting to be published by the authority of the common council, as certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Need not be paid in advance.

SECTION 65. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof, their attendance may be compelled by attachment.

SECTION 66. All actions brought to recover any

Actions to be brought in corporate name of city.

penalty or forfeiture under this act, or under the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and the summons or warrant, pleadings and proceedings therein, shall be the same as in civil actions. In such actions it shall be sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the penalty or forfeiture claimed according to the provisions of this act or the by-law, ordinance, rule or regulation which imposes it, specifying the section and chapter; and when such section imposes a forfeiture for several offenses or delinquencies, it shall specify the particular offense or delinquency for which the action was brought, with a demand for judgment for the amount of such penalty or forfeiture. In case the defendant is a non-resident of the state, an attachment may be issued in such action in like manner as may be done in ordinary civil actions against non-residents; any such actions may be brought for, and the judgment therein may include as many forfeitures as the defendant may have incurred under the same section, prior to the commencement of such action. In all other cases, when an action might be brought by the city of Elroy, against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any resident of said city; provided, that before any person other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds, with sufficient surety to the opposite party, to be approved by the justice before whom such action shall be brought, conditioned that he, or they will pay all costs that might be recovered against the city in such action. After filing such bond with the papers in the case, such action shall not be discontinued or defeated by the city; nor shall the city be liable for any costs on account of such action, but such costs, where the action shall fail, may be recovered against the party commencing the same upon the bond filed as aforesaid; provided, nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person in a state of intoxication or guilty of immoderate drinking

improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before a justice of the peace of said city or keeping them in confinement until such time as the court can reasonably dispose of a complaint against such offender.

Penalties.

SECTION 67. When a penalty or forfeiture is imposed by this act, or by any ordinance, by-law rule or regulation made in pursuance thereof, not exceeding a specified sum, or when it is not less than one sum nor more than another, the action may be brought for the highest sum specified, and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.

Judgment to include costs of action.

SECTION 68. In all cases when judgment is recovered in any such action, it shall also include the costs of the action, and it shall direct that if the same is not paid, the defendant shall be committed to the jail of the city of Elroy, or to the county jail of Juneau county, there to be imprisoned for a specified time, not exceeding three months, which period shall be fixed by the court in view of all the circumstances of the same, or until otherwise discharged pursuant to law. In such cases a commitment shall issue as in ordinary criminal actions, and such defendant shall not be entitled to the liberties of the jail. This section shall not prevent the issue of an execution to collect such judgment at any time within one year from its rendition.

Appeal may be taken.

SECTION 69. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal to the circuit court of Juneau county, in the time and in the manner provided by law for appeals from justices' courts.

Shall not work incompetency.

SECTION 70. No person shall be an incompetent witness, judge, justice or juror by reason of his being an inhabitant of said city, in any proceeding or action, in which the city shall be a party in interest.

General bridge laws to prevail.

SECTION 71. The general laws for the preservation of bridges and the punishment provided by such laws for wilful and malicious injuries done thereto, are hereby extended to, and shall include all bridges now erected or hereafter to be erected

over any stream, by, or in the city of Elroy, and shall apply to any wilful or malicious damage which may be done to them; and the common council of said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges and enforce the same by adequate penalties.

Sidewalks.

SECTION 72. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part of the owners of the lots, or parcels of land, abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by law shall not be passed or adopted sooner than two weeks after the introduction of such ordinance, resolution or by-law nor until one week's notice of the introduction of such resolution shall have been published in a newspaper published in said city: provided, that when said ordinance is introduced on petition of all the lot owners subject to the special assessment by such ordinance, no notice by publication or otherwise shall be necessary.

Repairing of sidewalks.

SECTION 73. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time, as the common council by resolution, ordinance or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication for one week, in a newspaper published in said city, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground, in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; pro-

vided, no such contract shall be let until thirty days after notice shall have been given to such owner or owners, either personally, or by publication for one week in a newspaper published in said city.

Building of sidewalks.

SECTION 74. The common council shall have power, by vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Elroy, in such manner as it may deem proper, and no petition, by the owners of the lots fronting or abutting on any such sidewalk, shall be necessary to authorize the common council to order such building, construction, reconstruction, or repair of any sidewalk in said city. The proceedings for ordering the repair of sidewalks, and the levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided in case of building a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, it will not cost to exceed the amount of five dollars, in front of any one lot to repair, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired, and when the same is completed, he shall make out an itemized bill of the cost of such repairs, specifying the lot, block, or piece, or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith, present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Elroy for payment, and if such owner shall refuse or neglect to pay the same for ten days then the clerk shall report the fact to the common council, and the common council shall, thereupon, levy a special tax upon said lot, piece, or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Elroy, the said street commissioner shall return said account to the common council, with his certificate, stating that fact, and the common council shall, there-

upon, levy a special tax to pay the same, in the manner in this section provided.

Poll tax.

SECTION 75. Every male inhabitant of the city of Elroy over twenty-one years of age and under fifty, except active members of the fire department of said city, and except those otherwise exempt by the law, shall pay into the city treasury annually the sum of one dollar and fifty cents, as a poll tax. The assessor shall, at the time of making his annual assessment, make duplicate lists of the persons liable to pay such tax, and deliver one of said lists to the city clerk and one to the city treasurer, at the time he returns to the city clerk his assessment roll of real and personal property of the city of Elroy. The said assessor shall designate the ward in which each person resides, and the city treasurer shall collect the same at the time of collecting the annual taxes, and all such taxes shall be paid to the city treasurer, on or before the first day of February, next after the delivery of the said lists to him, and the same proceedings may be had to collect such poll tax, as is provided for the other taxes to be collected by such treasurer; the treasurer shall credit each ward with the amount so collected from the inhabitants of such ward. The money so collected shall be kept as a distinct fund, and shall be expended by the street commissioner, under the direction of the aldermen of the ward in which such moneys were collected, in the improvement of the streets of such ward.

Costs of surveying.

SECTION 76. The cost and expense of surveying streets, alleys, sewers, and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part by the lots or lands fronting on such street or alley, so that each lot or parcel or land shall pay for the work, between the front of each lot or parcel of land, and the center of such street or alley, or such proportion thereof as the council shall determine, or out of the general fund; sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street

along which said sewer or gutter shall be constructed; provided, that all such improvements or work of any kind upon the streets, or sidewalks, cross streets, alleys or public grounds, shall be paid for by the city.

Actions against city.

SECTION 77. Whenever any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city; and it shall be the duty of said clerk to take such proceedings as by ordinance directed, if any there be.

Shall not be sold for city debts.

SECTION 78. No real or personal estate or property of any inhabitant or corporation of said city, shall be levied on or sold to satisfy any contract, debt or obligation of said city, or any judgment against said city of Elroy.

Contract or job.

SECTION 79. All contracts for work ordered by the common council shall be let by contract or job as the common council may direct and order.

Remission of penalties.

SECTION 80. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of all the aldermen.

City may hold real estate.

SECTION 81. The said city may have, purchase, and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned or held by said city, shall be exempt from taxation.

Deeding property.

SECTION 82. When the city of Elroy deeds or leases any real estate or any interest therein, owned by said city, the party of the first part shall be the city of Elroy, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Deeds and leases—how executed.

SECTION 83. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution authorizing the same, by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to, and accompany the signature of the mayor, and such deed or lease, and a certified copy of such ordinance or resolution, when so attached to such deed or lease, shall be recorded with such lease or deed, by the register of deeds and such copy,

when so attached, and the record thereof, shall in all courts of this state be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

In case of failure to hold election.

SECTION 84. If any election by the people or common council shall, for any cause, not be held, at the time or in the manner prescribed, or if the council shall fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had on any subsequent day, by order of the mayor, and if any of the duties enjoined by this act, or the ordinances, by-laws or regulations of said city, to be done by any officer in a specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

General law shall not repeal.

SECTION 85. No general law of this state contravening the provisions of this act, shall be considered as repealing, modifying or amending the same, unless such purpose be expressly set forth in such law, as an amendment of this charter.

City to be regarded in the aggregate for equalizing purposes.

SECTION 86. The county board ef the county of Juneau shall regard the city of Elroy in the aggregate, without regard to its division into wards, as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the supervisors elected from the wards of said city, as members of the county board; the said county board may levy taxes as is, or may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied, to be certified to the city clerk in the manner provided by law, in relation to towns or town clerks.

Copy of assessment roll.

SECTION 87. Before the annual meeting of the county board of the county of Juneau, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll, or such statement as is required by law to be made by towns, to the county clerk of said county, who shall lay the same before the county board at its annual meeting.

Sale of delinquent lands.

SECTION 88. The county treasurer of Juneau county shall sell all delinquent lands and lots returned from the city of Elroy, as other delinquent

lands are sold in the county, and shall pay over to the treasury of the city of Elroy, on demand, all moneys collected or received by him, belonging to such city, but he may retain in the county treasury all amounts due from said city to the county of Juneau.

First election — when held.

SECTION 89. The first election of said city of Elroy, for the election of city and ward officers, shall be held on the first Tuesday in April, 1885, at the Conway hall, in said city of Elroy. The election for the first ward of said city shall be held in the Conway hall; the election for the second ward shall be held in the Millard's hall. At each ward polling place, the qualified electors of such ward shall choose *viva voce*, from the qualified electors of such ward present, three inspectors of election, and two clerks of election, and the persons so chosen as inspectors and clerks, shall, before entering upon the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections, under the laws of the state of Wisconsin. Six days' previous notice of said first election shall be given by the sheriff of the county of Juneau, stating the time and place of holding such election, and the officers elected in such city and in the respective wards, which notice shall be posted in three public places in each ward of said city. The provisions of this charter shall govern all questions not provided for in this section arising at such first election.

Election of justices.

SECTION 90. Only one justice of the peace, for each ward in this city, shall be elected at such first election, and one justice of the peace shall be elected annually thereafter, in each ward.

City to be owner of village property.

SECTION 91. The city of Elroy shall be, and is hereby invested, as the lawful owner and successor of all real and personal property, and the rights and privileges belonging to the corporation of the village of Elroy, together with all the funds, revenues, debts and demands, due and owing to said village of Elroy as a corporate body, which by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act.

SECTION 92. Every license issued under the

Licenses to be signed by city clerk and sealed.

charter or ordinances of the city, shall be signed by the city clerk, and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk, the receipt of the city treasurer, for the amount required by the ordinances, by-laws or resolutions of said city, to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous, fermented or malt liquors, unless the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which shall be approved by the common council.

Use of county jail.

SECTION 93. The use of the jail of Juneau county, until otherwise provided by the common council, shall be granted to said city for the confinement of offenders committed thereto, and when such offenders shall be committed to such jail, as provided in this act, the sheriff of Juneau county shall be responsible for the custody and safe keeping of such offender, as in cases under chapter 142, of the revised statutes of the state of Wisconsin.

Exempt real estate subject to special taxation.

SECTION 94. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes or assessments, which become or shall be chargeable against particular property as provided by this act.

Compensation of city officers.

SECTION 95. The city officers to be first elected or appointed under the provisions of this act, whose compensation is not fixed or limited thereby, shall receive as compensation for their services, such sum as the common council shall determine, and the common council shall, in the month of March thereafter, determine by resolution the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers, and in case of neglect to determine said compensation, the said officers, and each of them, shall receive the same compensation as their immediate predecessor.

Prosecutions.

SECTION 96. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury as prescribed for justices' courts in this state, and the

trial shall proceed in the same manner and be governed by the same rules as in the trial of cases in justice's court under the general laws of this state.

SECTION 97. This act is hereby declared to be a general law, and shall be favorably construed in all courts and places. General law.

SECTION 98. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 27, 1885.

[No. 220, A.] [Published April 1, 1885.]

CHAPTER 163.

AN ACT to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled, "An act to incorporate the city of Black River Falls."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Act amended.

SECTION 1. That the act entitled, "An act to incorporate the city of Black River Falls, approved February 20, 1883, is hereby amended so as to read as follows: Section 1. That all that district of country in the county of Jackson, and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Black River Falls, and they who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Black River Falls, and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes of this state, and the laws amendatory thereof, and in addition thereto, shall have and possess the powers hereinafter granted, and the authorities thereof shall be capable of contracting and being contracted with; suing or being sued; pleading or being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure. Corporate name.

CHAPTER II.

BOUNDARIES AND WARDS.

City boundaries.

SECTION 1. All of section fifteen, the east half of the east half of section sixteen, the east half of the northeast quarter of section twenty-one, all that part of section twenty-two lying and being north and west of the east and south bank of Black river; the west half of section fourteen (14), and all of section eleven (11) except the east half of the east half thereof, and all in township number twenty-one north, of range number four west, in Jackson county, Wisconsin, shall be included within and constitute the territory comprising the city of Black River Falls.

Ward boundaries.

SECTION 2. The said city shall be divided into four wards, viz.: The east half of the northeast quarter, and the northeast quarter of southeast quarter of section sixteen, and all that portion of section fifteen lying north of what is now known as Jefferson and Main streets in Black River Falls and west of a straight line passing through the centre of what is now known as Bluff street in Black River Falls, north and south, and from thence to the north line of section fifteen shall constitute and be the first ward. The southeast quarter of the southeast quarter of section sixteen, the northeast quarter of the northeast quarter of section twenty-one, and all that portion of section fifteen south of Jefferson street aforesaid and west of the centre of what is known as J street, in Black River Falls, and continued south to the section line shall constitute the second ward. The southeast quarter of the northeast quarter of section twenty-one, and all that portion of section twenty-two lying north and west of the south and east banks of Black River, and all that portion of section fifteen lying west of Black River and south of Main street aforesaid, and the east of the centre of J street continued south to the section line shall constitute the third ward. All the rest of the territory in said city of Black River Falls shall constitute the fourth ward.

Corporate authority in whom vested.

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, and in one board of aldermen, consisting

of one alderman from each ward, who with the mayor, shall be denominated the common council, together with such other officers as are hereafter mentioned or may be created under this act.

CHAPTER III.

ELECTIONS.

Annual election — when held.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday after the first Monday of March in each year, at such place as the common council shall designate and provide, and the poll shall be kept open from nine o'clock A. M., until twelve o'clock noon, and from one o'clock P. M. until five o'clock P. M. The city clerk shall give at least ten days' notice of such election, stating time and place of holding the same, the officers elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more newspapers published in said city of Black River Falls, and by posting the same in one or more public places in each ward of said city, and the city clerk shall file copies of the newspapers containing such notice, together with his affidavit of the publishing and posting of the same, but a failure to give the notice as above specified shall not invalidate the election.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, clerk, treasurer, an assessor, two justices of the peace and two constables, elected by and for the city at large, and an alderman from each ward; three supervisors at large, to be elected in the year 1885, at the April judicial election without further notice and to enter upon their duties immediately after their election and qualification, and hold their offices until their successors are elected and qualified; said supervisors shall thereafter be elected annually at the regular charter election and who shall represent the city on the county board of Jackson county. All other officers of said city shall be elected or appointed by the common council.

Elective officers shall be freeholders.

SECTION 3. The mayor, treasurer, assessor, clerk and aldermen shall be freeholders in said city, and all city and ward officers shall be qualified voters

and residents of the city, and in the ward for which they were elected or appointed. All elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the common council shall have the power, for cause, to expel any of their own number, and to remove from office any officer or agent under the city government, notice being first given to the officer complained of. The mayor shall have power to suspend any officer of said city who has been appointed or elected by the council when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

In case of a vacancy.

SECTION 4. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council, within twenty days after such vacancy shall occur; any vacancy happening in any other office shall be filled by the common council; the person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term except in case of justice of the peace, whose appointment shall continue only until the next charter election, when the vacancy shall be filled for the remainder of the term by an election.

Elections to be by ballot.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in presence of the common council, at such time and in such manner as they shall direct.

Qualified voters.

SECTION 6. All persons entitled to vote for county and state officers, and who shall be actual residents and inhabitants of the city for thirty days next preceding the election, and actual residents and inhabitants for ten days in the ward for which he offers his vote, next preceding said election, shall be entitled to vote for any city officer to be

elected, or other question that may be submitted to the people for their vote.

Inspectors of election.

SECTION 7. The inspectors for city elections shall be as follows: The four aldermen and four clerks, one of which shall be the city clerk, and he shall be the clerk for the ward in which he lives; the other three clerks shall be one from each ward, to be appointed by the mayor at the first annual meeting or as soon thereafter as may be, and which shall be confirmed by the common council, each of said clerks so appointed and confirmed to be the clerk of city elections for the ward in which he resides, and each of said aldermen shall be the inspector of city elections for the ward in which he lives.

City elections, where held.

SECTION 8. All city elections for city officers shall be held at one place as shall be designated by the common council, and there shall be four ballot boxes, one for each ward, and on each box shall be printed in red the number of the ward for which said ballot box is to be used; each of said ballot boxes shall be divided into two separate divisions, in one of which divisions shall be deposited the votes for city officers for that ward and in the other division to be deposited the votes on the license question; each division shall be distinctly lettered.

Place where general elections shall be held.

SECTION 9. All general elections shall be held at such place in said city as the common council may direct, and the city shall constitute but one election precinct, and the board of inspectors of all elections except city elections shall consist of three inspectors and two clerks, two of which shall be the mayor as one inspector, and the city clerk as one of the clerks, and the other two inspectors and one clerk shall be chosen by the common council from the electors of said city, at the annual meeting, one of which inspectors to be chosen shall not belong to the same political party as the mayor, and the clerk so chosen shall not belong to the same political party as the clerk of the city, and in case any inspector or clerk shall for any cause, fail to appear at the time for opening the polls, such vacancy shall be filled by the remaining board of inspectors so present.

Fraudulen voting.

SECTION 10. If any vote be challenged, or if the inspectors or any of them, of any election, shall have reason to believe when any person

presents himself to give his vote, that he does not possess the qualifications of an elector, the same oath as it required by law at general elections shall be administered to the person offering to vote, with the further statement in city elections that the deponent has, for thirty days next preceding the election at which he offers his vote, resided in the city, and has for ten days next preceding said election resided in the ward for which he offers his vote. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act, shall be punished according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit or corruption of any election.

Resident elector.

SECTION 11. No person shall be eligible to any office under this act unless he is at the time a resident elector of the city.

Canvass of votes.

SECTION 12. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every officer, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45, of the revised statutes.

Special elections.

SECTION 13. Special elections to fill vacancies shall be held and conducted in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such times as shall be prescribed by the common council.

What is deemed a vacation in office.

SECTION 14. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse one week after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office at the commencement of his term of office, shall

be deemed to have vacated his office; and when any officer from sickness or any other cause shall be unable to attend to the duties of his office, except such as shall by the constitution be required to be elected, said office may be filled by appointment during the time of such disability, but no longer; and the common council shall proceed to fill any such vacancy as herein provided.

Votes to be on one ballot.

SECTION 15. The votes for mayor, and all elective officers shall be on one ballot, and shall be deposited in one box, and all other questions submitted to the people at the city election shall be on separate ballots and deposited in separate ballot-boxes.

When term of office to commence.

SECTION 16. The term of every officer elected under this act, except to fill a vacancy, shall commence on the first Monday of April of the year for which and in which he was elected, and shall, except justices of the peace, continue for one year and until his successor is elected or appointed and qualified; and justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

CHAPTER IV.

DUTIES OF OFFICERS.

Qualification and duties of officers.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the clerk, marshal, constable and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices execute to the city of Black River Falls, a bond, with at least two sureties, who shall each justify in the amount mentioned in said bond, and the conditions of said bond shall be that the party who is elected or appointed to such office, will faithfully discharge his duties as such officer, and will obey all rules, regulations and ordinances of said city, and will pay over to the city all moneys that shall come to his hands by virtue of said office, belonging to said city, and that at the expiration of his office

he will turn over to the city all property in his hands belonging to said city. The treasurer shall, before entering on the duties of his office, execute to the city of Black River Falls a bond with at least two and not more than ten sureties, in the penal sum of not less than the amount of the last annual city and school tax, and each surety shall swear that he is worth a certain amount over and above his debts, liabilities and exemptions in property in this state and the aggregate of such amounts shall exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except their bonds shall be approved by the common council of the city. All other bonds shall be approved by the common council, and when approved, filed with the city clerk.

Duties of mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city, and in case of a riot or other disturbance, or whenever he may deem it expedient, he may appoint as many special or temporary police and constables as he may deem necessary. The mayor shall be the chief executive officer and head of the police of the city. The mayor shall have a vote only in case of a tie, or when the council shall be engaged in the election or removal of an officer, or the levying of taxes.

President of council.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number as president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence or inability of the mayor, for any cause whatever, to discharge the duties of his office, the said president shall exercise all the powers and discharge

all the duties of his office as mayor, and in case both the mayor and president shall be absent from any meeting of the common council, they shall elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor, and while acting he shall be styled acting mayor, and his acts while so acting shall have the same force as if performed by the mayor.

Appointed officers.

SECTION 4. The common council may, at their first annual meeting or as soon thereafter as may be, appoint the following officers: City marshal, city attorney, street commissioner and such other officers or agents of the city as they may deem for the best interests of the city, all of said officers to hold their offices for the term for which the council were elected unless they be sooner discharged for cause by the council. The said council shall, at the time of appointing any officer or agent of the city, fix the compensation or salary and may prescribe the duties of said office and which duties may be increased or modified from time to time by the council as they may deem expedient.

Duties of city clerk.

SECTION 5. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified to have been compared by him by the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office of any town. The clerk shall have power and authority to administer oaths or affirmations.

Jurisdiction of justices.

SECTION 6. The justices of the peace elected un-

der this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise expressly provided, and said justices may hold their offices anywhere in said city not otherwise prohibited by the laws of this state; that changes of venue shall be granted in the same manner as provided by the general laws of the state, and either party shall have the right to appeal as hereinafter provided.

Jurisdiction of constables.

SECTION 7. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constables shall be approved by the mayor and filed with his oath of office, in the office of the city clerk.

Duties of treasurer.

SECTION 8. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and giving the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant, signed by the mayor, by order of the common council, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received, and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the

common council a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before his term expires. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. He shall, in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable quarterly.

Duties of assessor.

SECTION 9. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars, for the term for which he was elected, and which shall be payable when the assessment roll is completed.

Duties of marshal.

SECTION 10. The marshal shall possess all the powers of constables in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and with or without a warrant to apprehend any person in the act of committing any offense against

any ordinance of said city or laws of this state and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

City attorney.

SECTION 11. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state.

Duties of street commissioners.

SECTION 12. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, cross walks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council recommending what in his opinion, is necessary and ought to be done thereto. On the receipt thereof the common council shall consider the same and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports as the necessities of the case may require.

Further duties.

SECTION 13. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council; and

he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils, and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

Accounts to be paid out of general fund.

SECTION 14. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund, by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may, at its option, let all or any of such street work, by contract, to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered, shall receive such compensation as the common council and said commissioner shall agree upon, at the beginning of the official year, or he shall be paid such sum per annum, in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Other duties may be performed.

SECTION 15. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Printing to be let to lowest bidder.

SECTION 16. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters

required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper; which printing or publishing shall be let by contract to the lowest bidder or bidders.

City printer to file notice.

SECTION 17. The city printer or printers, immediately after the publication of any notice or ordinance, or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 18. If any person, having been an officer of said city, shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office, all property, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of said city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be party to any job.

SECTION 19. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover back the amount so paid, from the parties to such contract, and alderman interested in the same.

Officers of the peace defined.

SECTION 20. The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchman and constable of said city, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavoir within the limits of the city, and for such purposes may command the assistance of all by-standers, and if need be, of all citizens; and if any person, by-stander, or citizen

shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor.

SECTION 21. There shall be elected by the common council a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

Report of justices of the peace.

SECTION 22. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

CHAPTER V.

POWERS AND DUTIES OF COUNCIL.

No compensation.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall receive no compensation for their services, as such, except when acting as a board of equalization or as inspectors of election. The common council shall meet at such time and place as it by resolution shall direct. A majority of the council shall constitute a quorum. The style of all ordinances passed by the council shall be, "The mayor and

common council of the city of Black River Falls do ordain," etc.

First annual meeting when held.

SECTION 2. The common council shall hold its first annual meeting in each year on the first Monday in April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their places of abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members.

Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof; and so enforce as it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, are hereby declared to be, and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws.

Power to license.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and shall grant or refuse to grant, licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors or drinks, within said city as shall be directed by the voters of said city at their annual election, and the question of granting or refusing to grant licenses in said city, to sell in-

toxicating liquors and drinks therein shall only be submitted to the voters of said city at its anual election, and at no other time, and in case the question is not submitted to the voters at the annual election, the common council shall have no power or authority to grant any license to sell intoxicating liquors and drinks in said city. The question when submitted to the voters shall be upon a separate ballot, and the ballots on the license question shall be in the following form: Those in favor, "For license;" those against, "No license," and they shall be deposited in a separate ballot box provided for that purpose, and whenever a majority of the voters shall declare by their votes as aforesaid in favor of license, then the common council shall grant licenses according to the provision of the laws of the state of Wisconsin on that subject; provided, they shall charge not less than three hundred dollars for retail license in said city; and in case the majority of the voters should declare for no license, or fail to submit the question as aforesaid, then, and every such case, the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city, except to druggists to sell for medicinal and mechanical purposes, and said council are hereby authorized in any case to grant licenses to druggists to sell intoxicating liquors and drinks for medicinal and mechanical purposes on such terms as the council may direct; and all such licenses granted shall run from the first Monday in April in each year to the first Monday in April following; provided, however, that when any such license shall be applied for after that date, the same may be granted to expire on the first Monday in April following, and provided further, that no license shall be granted to run or extend beyond the time for which the common council shall be elected.

Gambling and fraudulent devices.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from selling, vending or in any manner disposing for gain any spirituous, ardent, malt or intoxicating liquors or drinks, or from manufacturing or dealing in the same unless duly licensed

presents himself to give his vote, that he does not possess the qualifications of an elector, the same oath as it required by law at general elections shall be administered to the person offering to vote, with the further statement in city elections that the deponent has, for thirty days next preceding the election at which he offers his vote, resided in the city, and has for ten days next preceding said election resided in the ward for which he offers his vote. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act, shall be punished according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit or corruption of any election.

Resident elector.

SECTION 11. No person shall be eligible to any office under this act unless he is at the time a resident elector of the city.

Canvass of votes.

SECTION 12. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every officer, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45, of the revised statutes.

Special elections.

SECTION 13. Special elections to fill vacancies shall be held and conducted in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such times as shall be prescribed by the common council.

What is deemed a vacation in office.

SECTION 14. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse one week after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office at the commencement of his term of office, shall

be deemed to have vacated his office; and when any officer from sickness or any other cause shall be unable to attend to the duties of his office, except such as shall by the constitution be required to be elected, said office may be filled by appointment during the time of such disability, but no longer; and the common council shall proceed to fill any such vacancy as herein provided.

Votes to be on one ballot.

SECTION 15. The votes for mayor, and all elective officers shall be on one ballot, and shall be deposited in one box, and all other questions submitted to the people at the city election shall be on separate ballots and deposited in separate ballot-boxes.

When term of office to commence.

SECTION 16. The term of every officer elected under this act, except to fill a vacancy, shall commence on the first Monday of April of the year for which and in which he was elected, and shall, except justices of the peace, continue for one year and until his successor is elected or appointed and qualified; and justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

CHAPTER IV.

DUTIES OF OFFICERS.

Qualification and duties of officers.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the clerk, marshal, constable and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices execute to the city of Black River Falls, a bond, with at least two sureties, who shall each justify in the amount mentioned in said bond, and the conditions of said bond shall be that the party who is elected or appointed to such office, will faithfully discharge his duties as such officer, and will obey all rules, regulations and ordinances of said city, and will pay over to the city all moneys that shall come to his hands by virtue of said office, belonging to said city, and that at the expiration of his office

he will turn over to the city all property in his hands belonging to said city. The treasurer shall, before entering on the duties of his office, execute to the city of Black River Falls a bond with at least two and not more than ten sureties, in the penal sum of not less than the amount of the last annual city and school tax, and each surety shall swear that he is worth a certain amount over and above his debts, liabilities and exemptions in property in this state and the aggregate of such amounts shall exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except their bonds shall be approved by the common council of the city. All other bonds shall be approved by the common council, and when approved, filed with the city clerk.

Duties of mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city, and in case of a riot or other disturbance, or whenever he may deem it expedient, he may appoint as many special or temporary police and constables as he may deem necessary. The mayor shall be the chief executive officer and head of the police of the city. The mayor shall have a vote only in case of a tie, or when the council shall be engaged in the election or removal of an officer, or the levying of taxes.

President of council.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number as president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence or inability of the mayor, for any cause whatever, to discharge the duties of his office, the said president shall exercise all the powers and discharge

all the duties of his office as mayor, and in case both the mayor and president shall be absent from any meeting of the common council, they shall elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor, and while acting he shall be styled acting mayor, and his acts while so acting shall have the same force as if performed by the mayor.

Appointed officers.

SECTION 4. The common council may, at their first annual meeting or as soon thereafter as may be, appoint the following officers: City marshal, city attorney, street commissioner and such other officers or agents of the city as they may deem for the best interests of the city, all of said officers to hold their offices for the term for which the council were elected unless they be sooner discharged for cause by the council. The said council shall, at the time of appointing any officer or agent of the city, fix the compensation or salary and may prescribe the duties of said office and which duties may be increased or modified from time to time by the council as they may deem expedient.

Duties of city clerk.

SECTION 5. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified to have been compared by him by the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office of any town. The clerk shall have power and authority to administer oaths or affirmations.

Jurisdiction of justices.

SECTION 6. The justices of the peace elected un-

der this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise expressly provided, and said justices may hold their offices anywhere in said city not otherwise prohibited by the laws of this state; that changes of venue shall be granted in the same manner as provided by the general laws of the state, and either party shall have the right to appeal as hereinafter provided.

Jurisdiction of constables.

SECTION 7. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constables shall be approved by the mayor and filed with his oath of office, in the office of the city clerk.

Duties of treasurer.

SECTION 8. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and giving the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant, signed by the mayor, by order of the common council, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received, and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the

common council a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before his term expires. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. He shall, in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable quarterly.

Duties of assessor.

SECTION 9. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars, for the term for which he was elected, and which shall be payable when the assessment roll is completed.

Duties of marshal.

SECTION 10. The marshal shall possess all the powers of constables in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and with or without a warrant to apprehend any person in the act of committing any offense against

any ordinance of said city or laws of this state and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

City attorney.

SECTION 11. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state.

Duties of street commissioners.

SECTION 12. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, cross walks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council recommending what in his opinion, is necessary and ought to be done thereto. On the receipt thereof the common council shall consider the same and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports as the necessities of the case may require.

Further duties.

SECTION 13. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council; and

he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils, and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

Accounts to be paid out of general fund.

SECTION 14. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund, by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may, at its option, let all or any of such street work, by contract, to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered, shall receive such compensation as the common council and said commissioner shall agree upon, at the beginning of the official year, or he shall be paid such sum per annum, in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Other duties may be performed.

SECTION 15. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Printing to be let to lowest bidder.

SECTION 16. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters

required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper; which printing or publishing shall be let by contract to the lowest bidder or bidders.

City printer to file notice.

SECTION 17. The city printer or printers, immediately after the publication of any notice or ordinance, or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for failure to deliver to successor.

SECTION 18. If any person, having been an officer of said city, shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office, all property, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of said city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be party to any job.

SECTION 19. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover back the amount so paid, from the parties to such contract, and alderman interested in the same.

Officers of the peace defined.

SECTION 20. The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchman and constable of said city, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavoir within the limits of the city, and for such purposes may command the assistance of all by-standers, and if need be, of all citizens; and if any person, by-stander, or citizen

shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor.

SECTION 21. There shall be elected by the common council a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

Report of justices of the peace.

SECTION 22. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

CHAPTER V.

POWERS AND DUTIES OF COUNCIL.

No compensation.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall receive no compensation for their services, as such, except when acting as a board of equalization or as inspectors of election. The common council shall meet at such time and place as it by resolution shall direct. A majority of the council shall constitute a quorum. The style of all ordinances passed by the council shall be, "The mayor and

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Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof; and so enforce as it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, are hereby declared to be, and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws.

Power to license.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and shall grant or refuse to grant, licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors or drinks, within said city as shall be directed by the voters of said city at their annual election, and the question of granting or refusing to grant licenses in said city, to sell in-

toxicating liquors and drinks therein shall only be submitted to the voters of said city at its annual election, and at no other time, and in case the question is not submitted to the voters at the annual election, the common council shall have no power or authority to grant any license to sell intoxicating liquors and drinks in said city. The question when submitted to the voters shall be upon a separate ballot, and the ballots on the license question shall be in the following form: Those in favor, "For license;" those against, "No license," and they shall be deposited in a separate ballot box provided for that purpose, and whenever a majority of the voters shall declare by their votes as aforesaid in favor of license, then the common council shall grant licenses according to the provision of the laws of the state of Wisconsin on that subject; provided, they shall charge not less than three hundred dollars for retail license in said city; and in case the majority of the voters should declare for no license, or fail to submit the question as aforesaid, then, and every such case, the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city, except to druggists to sell for medicinal and mechanical purposes, and said council are hereby authorized in any case to grant licenses to druggists to sell intoxicating liquors and drinks for medicinal and mechanical purposes on such terms as the council may direct; and all such licenses granted shall run from the first Monday in April in each year to the first Monday in April following; provided, however, that when any such license shall be applied for after that date, the same may be granted to expire on the first Monday in April following, and provided further, that no license shall be granted to run or extend beyond the time for which the common council shall be elected.

Gambling and fraudulent devices.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from selling, vending or in any manner disposing for gain any spirituous, ardent, malt or intoxicating liquors or drinks, or from manufacturing or dealing in the same unless duly licensed

by the common council; and to license, regulate and suppress hawkers and peddlers; provided, that no greater or less rate of license or tax shall be charged to any such manufacturer than shall be charged to a retail dealer.

Riots and disturbances.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Markets and gunpowder.

5th. To direct the location and management of slaughter-houses, and markets, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Incumbering streets.

8th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other material or substances whatever.

Horse racing, bathing, etc.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings.

Dogs.

9th. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Muzzling dogs.

10th. To provide for the secure muzzling of dogs, and for the killing and destruction in a summary manner, all dogs not muzzled, found within the said city running at large.

Putrid carcasses.

11th. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person

who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skin, or substance of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds.

12th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, to erect lamps and regulate and license omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers cabmen, cartmen, draymen and all others who may pursue like occupation in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health.

13th. To establish and regulate boards of health, provide hospitals, pest-houses and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Size and weight of bread.

14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding and driving on sidewalks.

15th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalk.

Shooting fire-arms.

16th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness.

17th. To restrain drunkenness or obscenity in the streets or public places and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors.

18th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city.

Removal of snow and rubbish.

19th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some

officers of the city, at the expense of such owners or occupant.

Weighing and selling hay.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Contagious diseases.

21st. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders and to make such disposition of such persons as to preserve the health of said city.

Public actions.

22d. To regulate the time, place and manner of holding of public auctions or vendues.

Watchmen.

23d. To appoint watchmen and prescribe their duties.

Weights and measures.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Trees and monuments.

25th. To protect trees and monuments in said city.

Open and repair highways.

26th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Alter name of city street.

27th. To alter or change the name of any street in the city.

Ordain and repeal ordinances.

28th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city, by any ordinance thereof.

Regulate and license breweries.

29th. To direct the location and regulate and license breweries, tanneries and packing-houses.

Jurisdiction over streams.

30th. The common council shall have jurisdiction over the streams within the limits of said city and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also by ordinance or resolution prevent any deterioration of said waters, or by nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired as it shall deem expedient.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectivley, be published in the official paper, or papers of said city once, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the said clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law and the proof of such record certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor. Regulation how passed.

SECTION 5. The powers conferred upon the said council, to provide for the abatement of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances. Shall not bar or hinder suits.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every such Examine, audit and adjust accounts

officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

CHAPTER VI.

FINANCE AND TAXATION.

Funds under control of council.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the person in whose favor they may be drawn.

Annual tax levy.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, its schools, its streets and sidewalks, and for fair grounds within the city, a tax sufficient for said purposes.

Issue bonds.

SECTION 3. The common council of said city shall have power to issue bonds or other evidence of debt, payable at a day subsequent to the date of the issue thereof, for any purpose authorized by

law, in any case when the electors of said city shall, by a majority vote thereof, authorize the issuing of the same; provided, that said city shall not in any event, or for any purpose, ever be bonded to exceed five per cent, of the taxable property of said city, as equalized by the equalizing board of said city.

Repair of bridges.

SECTION 4. The common council may, whenever it shall become necessary to build or repair any bridge in said city, or in case of floods or other causes, it shall become necessary to build or repair any public street or highway in said city, they may levy a tax for such purpose or purposes, not exceeding two thousand dollars in any one year, and said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Taxes for outstanding indebtedness.

SECTION 5. Taxes may be levied by the common council at any regular meeting for the purpose of paying any outstanding indebtedness of the city of Black River Falls, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law. Said taxes when so levied shall be collected at the same time that other city taxes are collected.

Verifying accounts.

SECTION 6. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Appeal how taken.

SECTION 7. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Jackson by causing a written notice of such appeal to be served upon the clerk of said city within thirty days after the making of such decision.

Duty of clerk on appeal.

SECTION 8. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council or shall take such measures as by ordinance or resolution of said common council he may be required to do and shall make out a brief return of the proceedings in the case before said council with the decision thereon and file the same together with the bond and all papers in the case in his possession with the clerk of the circuit court for the county of Jackson and such appeal shall be en-

tered, tried and determined in the same manner as appeals from justices of the peace and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance the appellant shall pay the cost of appeal which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Statement of claim to be filed.

SECTION 9. No action upon any claim or cause of action for which a money judgment only is demandable, except upon city orders, bonds, coupons or written promises to pay any sum of money, shall be maintained against the city, unless a statement or bill of such claim shall have been filed with the city clerk, to be laid before the common council of said city, not until ten days after the next annual city election thereafter.

Determination of council to be final.

SECTION 10. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court, founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed as to prevent the institution and maintenance of any action by said claimant against said city.

CHAPTER VII.

OPENING OF STREETS, ALLEYS, ETC.

Opening streets, alleys, etc.

SECTION 1. The common council shall have power to take, for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house or any building in the construction of

water-works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest-houses, for the prevention of contagious or infectious diseases within the city, for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter or any act amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain or upon a donation thereof, or in manner as follows: Whenever it shall, in the option of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned and the purposes for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owners or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within the state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners, the residence of whom cannot be ascertained by causing the same to be published for six weeks in the official paper of the city, at least once each week, and by causing such notice to be mailed, postpaid, to the address of such owners, within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

What the notice shall state.

SECTION 2. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution, and embrace a copy thereof, and further that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such

publication, as the case may be, application will be made to the county judge of the said county of Jackson, for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution, for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

Six competent persons to be appointed as jurors.

SECTION 3. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of records in this state, shall appoint six competent persons, having the qualification of jurors in and for the county of Jackson and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified. The same rights of challenge peremptorily, or for favor or cause, may be exercised by the city attorney and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged, by the name of some other competent person, until a jury of six be chosen. The said judge shall thereupon issue his precept, directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge, faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purpose therein specified.

SECTION 4. If any of the jurors so appointed shall be disqualfied from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept. In case any of the jurors are disqualified.

SECTION 5. The said jurors shall forthwith under direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oath to witnesses. Jurors shall proceed in a body to view premises.

SECTION 6. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Jackson county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall on application furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as herein provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in the case of any further disagreement, until a verdict shall be found. How verdict shall be returned.

SECTION 7. Should the necessity for the taking of the premises, or any part thereof, mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and ap- In case it is necessary to take the premises.

praised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Jackson county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with copy of such application, shall then be served on each owner in the cases when required, and in the manner provided in section 1, of this chapter. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

In case there is a building on premises.

SECTION 8. If there should be any building standing in whole or in part upon the lands to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building removed.

Ten days personal notice.

SECTION 9. At least ten days' personal notice of such determination, shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given, by publication in the official paper three successive weeks; such notice shall specify the building and the award of the commissioners. It shall also require the parties

interested to appear by a day therein named, or give notice of their election, to the common council, either to accept the award of the commissioners and allow such building to be taken, with the lands appropriated, or their intention to remove such building at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such time for this purpose as the common council shall allow.

In case owner refuse to take building.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Commissioner shall take the oath prescribed.

SECTION 11. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each party interested of the time when and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party or his authorized agent or attorney, or by leaving the same at his residence or place or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioner shall view the premises.

SECTION 12. The commissioner shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, as-

certain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken, as provided in sections 8, 9 and 10, the said commissioners shall not include the value of such building, as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

In case land or buildings belong to different parties.

SECTION 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

SECTION 14. Whenever the commissioners shall have completed their duties and filed the report of

their proceedings and determination as before provided, the common council may if they shall deem it expedient, by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor, to be taken and used; and in case the city shall be absolutely liable to the owner or owners, or parties entitled thereto, for all compensation that may be established against said city therefor, and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

Council may order improvements to be made.

SECTION 15. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court, the appeals shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

May have right to appeal from decision.

SECTION 16. The report of the commissioners shall be recorded by the clerk of the court in

Repeal to be recorded.

whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the land so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance, to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decision of the court and may appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment against the other party.

In case property is under lease.

SECTION 17. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

Regarding leases.

SECTION 18. When only part of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid, as to the residue thereof; and the rents, considerations, and payments reserved, payable and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for in respect to the same.

In case of legal disability.

SECTION 19. When any known owner of lands or tenants affected by any proceedings under this charter, shall be an infant, or labor under any disability, the judge before whom the proceedings are pending may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served upon such guardian.

May amend defect or informality.

SECTION 20. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Accurate survey to be made.

SECTION 21. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Power to change the name of streets.

SECTION 22. The council shall have power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the common council shall have first been

published in the official city paper or papers for at least two weeks prior to the meeting of the council.

Unplatted lands.

SECTION 23. Roads or streets may be laid out by the council through unplatted lands, in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 24. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VIII.

CITY IMPROVEMENTS.

City improvements.

SECTION 1. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein.

Cost and expense of surveying, etc.

SECTION 2. The cost and expense of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work thereon, in the execution of any public improvement, shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, paving, macadamizing, or planking streets and alleys, and constructing or repairing sidewalks, shall be payable out of the general funds of the city. Sewers, cross walks and drains may be ordered by the council, and all costs and expenses, as well as the damages which shall be sustained by owners of lands through which the same shall pass, shall be charged to and payable by the city.

Regarding the repaving of streets.

SECTION 3. Whenever the council shall require any street to be repaved or macadamized, it shall determine the manner in which the work shall be done, and of what material; and the street commissioner, or such other person or officer as the council may designate to have charge of the work, shall let a contract for doing the whole of such work. Public notice of the letting of such con-

tract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder, whose bid it shall deem most reasonable and proper; the cost of such paving or macadamizing shall be paid by the city out of the general funds of the city.

In case there are no bids.

SECTION 4. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner, or a committee of the council, and the expense for doing the same shall be paid for by the city out of the general funds of the city.

Control of cemetery grounds.

SECTION 5. The cemetery grounds now owned by the city of Black River Falls, shall be controlled by the mayor and common council of said city of Black River Falls, and they shall be empowered to purchase, in the name of said city, additional grounds for cemetery purposes, and all other property belonging to said city shall be under the control of the mayor and common council.

County bridge.

SECTION 6. The county bridge across Black river, in the city of Black River Falls, shall be and remain a county bridge, and shall be kept up and maintained at the county expense, and in no event shall said county bridge be kept in repair or maintained at the city expense, and said city shall not in any event be liable for injuries caused by any defect in said bridge.

CHAPTER IX.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessing and collecting taxes.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of city government, its schools and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities, as township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of as-

sessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisble.

Return of assessment roll.

SECTION 2. The assessor shall return the said assessment roll to the board of equalization of the city on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and and to take from and otherwise revise and correct the same.

In case of omission.

SECTION 3. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void be reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of equalization.

SECTION 4. The mayor, the city clerk, the asses-

sor and one alderman from each ward shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July each and every year at nine o'clock in the forenoon, and shall proceed in all respects, as town boards are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk, the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

City taxes to be determined.

SECTION 5. On the first Monday of October in each year, or within ten days' thereafter, the common council shall determine the amount of taxes authorized by law and by this act to be levied for general city purposes, for school purposes, and for paying the city's indebtedness, due or to become due for the ensuing year; and shall by resolution, levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to remain a lien on property.

SECTION 6. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant, for the collection thereof, until such taxes shall be paid; and no sales or transfers of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property or real property.

City clerk to transmit abstract of assessment roll.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Jackson, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded a town in equalizing

SECTION 8. The board of supervisors shall regard the city of Black River Falls as a town, in

equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of the city as an entire roll.

Supervisors may levy a tax.

SECTION 9. The said board of supervisors may levy a tax or taxes upon such city, as now is or may be provided by law hereinafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk shall add tax to assessment roll.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land, or persons named therein, which statement shall be called the tax list of the city of Black River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in the state that every act or thing required by law to be done relating to the assessing or levying of taxes, from the election of officers to the completion of the tax list, inclusive has been done regularly and correctly as required by law.

Duplicate copies to be made out.

SECTION 12. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the tenth

day of December of the same year deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Public notice shall be given.

SECTION 13. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in said city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

City treasurer shall proceed to collect.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the tenth day of January, and five per cent. fees upon all taxes paid or collected after that time, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

When tax shall be paid.

SECTION 15. The treasurer shall on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to said city of Black River Falls by the board of supervisors of said Jackson county.

Delinquent tax list to be made out.

SECTION 16. On or before the last Monday in January in each year, unless the time be extended as provided by law, the said treasurer shall make out a return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now or may hereafter be required of town treasurers. The said treasurer shall also, at the said time, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns from the several towns.

SECTION 17. The county treasurer shall sell all

County treasurer shall sell delinquent lands.

delinquent lands and lots returned from the city of Black River Falls, at the same time and in the same manner as other delinquent lands are sold in said county.

Directions only directory.

SECTION 18. All the directions hereby given, for the assessing of land and assessing and levying, collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Power of council.

SECTION 19. The common council shall have power to levy a tax or taxes to pay any and all judgments against the city.

In case treasurer refuses to do his duty.

SECTION 20. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Forced collection of taxes.

SECTION 21. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is or may hereafter be prescribed by such law.

Poll tax.

SECTION 22. Every male inhabitant of the city of Black River Falls over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor in the city of Black River Falls to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Black River Falls. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to

be prosecuted for by said treasurer in the name of the city of Black River Falls. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

CHAPTER X.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of buildings, chimneys, etc.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate

and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire-engines.

SECTION 3 The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years and may elect its own officers except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries and military duty, except in case of war, insurrection or invasion during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Firewardens.

SECTION 4. The mayor shall appoint two firewardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

SECTION 5. When any person shall refuse to

obey the lawful order of any engineer, firewarden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars. Penalty for refusing to obey lawful order of proper officers.

SECTION 6. The common council shall have power to organize a (sack) company, or to countenance any such company now organized, which shall be known by such names as they may select and shall consist of not more than thirty members. Such company shall continue a part of the fire department, and at fires shall be subject to the control of the engineer; the members of the said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Black River Falls, and are hereby vested with all the power and authority which now is and may thereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. Sack companies may be organized.

SECTION 7. There shall be elected by the members of each company aforesaid, annually at their Officers of sack company.

annual meetings, a clerk or secretary, and a treasurer, who shall on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Duties of treasurer.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department.

Duties of clerk.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Jackson, a list of all members who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

May levy tax for fire purposes.

SECTION 10. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes.

Two per cent to be paid by corporations, etc.

SECTION 11. All corporations, companies and associations not incorporated under the laws of this state, engaged in said city effecting fire insurance shall pay to the city treasurer at the rate of

two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid for any insurance effected or agreed to be effected on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

CHAPTER XI.

ACTIONS TO RECOVER PENALTIES.

State of Wisconsin,
County of Jackson, } ss.
City of Black River Falls,

—— ——, being duly sworn complains on oath, to the justices of the peace of the city of Black River Falls, that —— —— did, on the —— day of ——, 18—, violate the —— section an of ordinance, by-law, or resolution (describing it by its title) which said —— is now in force, as this complainant verily believes, and prays that —— —— may be arrested, and held to answer to said city of Black River Falls therefor. Action to recover penalties.

Subscribed and sworn before me, this —— day of ——, 18—.

SECTION 2. It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form: Number of section and chapter to be given.

State of Wisconsin,
City of Black River Falls, } ss.
County of Jackson,

To the sheriff or any constable of said county, or the marshal of the city of Black River Falls, greeting: Form of warrant.

Whereas —— —— has this day complained to me in writing, on oath, that —— —— did, on the —— day of ——, 18—, violate the sections of an ordinance, by-law, regulation or law (de-

equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of the city as an entire roll.

Supervisors may levy a tax.

SECTION 9. The said board of supervisors may levy a tax or taxes upon such city, as now is or may be provided by law hereinafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk shall add tax to assessment roll.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land, or persons named therein, which statement shall be called the tax list of the city of Black River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in the state that every act or thing required by law to be done relating to the assessing or levying of taxes, from the election of officers to the completion of the tax list, inclusive has been done regularly and correctly as required by law.

Duplicate copies to be made out.

SECTION 12. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the tenth

day of December of the same year deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Public notice shall be given.

SECTION 13. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in said city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

City treasurer shall proceed to collect.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the tenth day of January, and five per cent. fees upon all taxes paid or collected after that time, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

When tax shall be paid.

SECTION 15. The treasurer shall on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to said city of Black River Falls by the board of supervisors of said Jackson county.

Delinquent tax list to be made out.

SECTION 16. On or before the last Monday in January in each year, unless the time be extended as provided by law, the said treasurer shall make out a return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now or may hereafter be required of town treasurers. The said treasurer shall also, at the said time, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns from the several towns.

SECTION 17. The county treasurer shall sell all

County treasurer shall sell delinquent lands.

delinquent lands and lots returned from the city of Black River Falls, at the same time and in the same manner as other delinquent lands are sold in said county.

Directions only directory.

SECTION 18. All the directions hereby given, for the assessing of land and assessing and levying, collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Power of council.

SECTION 19. The common council shall have power to levy a tax or taxes to pay any and all judgments against the city.

In case treasurer refuses to do his duty.

SECTION 20. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Forced collection of taxes.

SECTION 21. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is or may hereafter be prescribed by such law.

Poll tax.

SECTION 22. Every male inhabitant of the city of Black River Falls over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor in the city of Black River Falls to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Black River Falls. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to

be prosecuted for by said treasurer in the name of the city of Black River Falls. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

CHAPTER X.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of buildings, chimneys, etc.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate

and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire-engines.

SECTION 3 The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years and may elect its own officers except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries and military duty, except in case of war, insurrection or invasion during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Firewardens.

SECTION 4. The mayor shall appoint two firewardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

SECTION 5. When any person shall refuse to

obey the lawful order of any engineer, firewarden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars. Penalty for refusing to obey lawful order of proper officers.

SECTION 6. The common council shall have power to organize a (sack) company, or to countenance any such company now organized, which shall be known by such names as they may select and shall consist of not more than thirty members. Such company shall continue a part of the fire department, and at fires shall be subject to the control of the engineer; the members of the said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Black River Falls, and are hereby vested with all the power and authority which now is and may thereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. Sack companies may be organized.

SECTION 7. There shall be elected by the members of each company aforesaid, annually at their Officers of sack company.

annual meetings, a clerk or secretary, and a treasurer, who shall on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Duties of treasurer.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department.

Duties of clerk.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Jackson, a list of all members who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

May levy tax for fire purposes.

SECTION 10. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes.

Two per cent to be paid by corporations, etc.

SECTION 11. All corporations, companies and associations not incorporated under the laws of this state, engaged in said city effecting fire insurance shall pay to the city treasurer at the rate of

two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid for any insurance effected or agreed to be effected on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

CHAPTER XI.

ACTIONS TO RECOVER PENALTIES.

State of Wisconsin,
County of Jackson,
City of Black River Falls, } ss.

—— ——, being duly sworn complains on oath, to the justices of the peace of the city of Black River Falls, that —— —— did, on the —— day of ——, 18—, violate the —— section an of ordinance, by-law, or resolution (describing it by its title) which said —— is now in force, as this complainant verily believes, and prays that —— —— may be arrested, and held to answer to said city of Black River Falls therefor. Action to recover penalties.

Subscribed and sworn before me, this —— day of ——, 18—.

SECTION 2. It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form: Number of section and chapter to be given.

State of Wisconsin,
City of Black River Falls, } ss.
County of Jackson,

To the sheriff or any constable of said county, or the marshal of the city of Black River Falls, greeting: Form of warrant.

Whereas —— —— has this day complained to me in writing, on oath, that —— —— did, on the —— day of ——, 18—, violate the sections of an ordinance, by-law, regulation or law (de-

scribing it by its title), which said —— is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ——— and bring him before the justice of the peace of said city to answer to the said city of Black River Falls on the complaint aforesaid.

Given under my hand this —— day of ——, 18—.

———— ————,
Justice of the Peace.

How the court shall proceed in the case.

SECTION 3. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court may direct, or in default thereof may be put in the charge of the officer who made the arrest, or be committed to the common jail of Jackson county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Prima facie evidence.

SECTION 4. A printed copy of any ordinance, by-law or resolution purporting to have been passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence after issue joined and upon trial in any court in this state.

Witnesses and jurors to attend without fees in advance.

SECTION 5. Witnesses and jurors shall attend before the justice court in all city or criminal prosecutions, without payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Findings of court.

SECTION 6. In city prosecutions the finding of the court shall be "guilty" or "not guilty." If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance,

by-law or regulation for which the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city; and in all cases of conviction in actions brought or prosecuted to recover a penalty, a fine or forfeiture under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs the court shall enter a judgment that the defendant be imprisoned in the county jail of Jackson county for such term as may be prescribed by this act or the ordinance violated not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, or the court may, in its discretion, in case of the non-payment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Black River Falls, in the said jail or upon the public streets or elsewhere within said city, under the supervision of the city marshal, or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered exclusive of board, and the amount so earned shall be applied in liquidation of the judgment, until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody. Such execution may be in the following form:

County of Jackson, }
City of Black River Falls, } ss.

Form of execution.

The state of Wisconsin to the sheriff or any constable of said county, and to the keeper of common jail of said county, greeting:

Whereas the said city of Black River Falls, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against ——, for the sum of —— dollars and —— cents, costs of suit

for the violation of section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulations of said city (describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said ——; excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ——, and him convey and deliver to the keeper of the common jail in Jackson county, and the said keeper is hereby commanded to receive, keep in custody in said jail, the said —— for the term of ——, unless the said judgment, together with all the costs and fees are sooner [paid], or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

—— ——.
Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeal of defendant, how taken.

SECTION 7. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Jackson in the same manner as is now provided by law from judgment of justices of the peace in criminal cases.

In case judgment be affirmed.

SECTION 8. If the judgment of the justice of the peace shall be affirmed, or if, upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in action of tort.

City may appeal.

SECTION 9. In all cases where judgment is rendered against the city of Black River Falls for the costs, when said action shall have been brought

under any of the provisions of this charter, or for the violation of any ordinance, resolution or by-law of said city, the said city may appeal from such judgment to the circuit court of said county, within the same time and in the same manner as provided by law for appeals from justice court. Judgments in civil actions and if judgment be rendered against the defendant in circuit court, it shall be enforced by the circuit court as provided by section 6, of this chapter.

Appeal to stand for trial.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law; in said circuit court, at the next term thereof after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

Shall not work incompetency

SECTION 11. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

How action shall be commenced.

SECTION 12. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties to be paid into treasury.

SECTION 13. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

City fire property to be exempt from attachment or judgment.

SECTION 14. All fire-engines, hose carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or any judgment wherein the said city shall be a party.

City property exempt for city debts.

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect

or satisfy any contract, debt or obligation of said city, or any judgment against said city.

Power of pardon, etc.

SECTION 16. The mayor shall have power to grant pardons or commutations, after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reason therefor.

In case judgment against city.

SECTION 17. When a judgment shall be recovered against the city of Black River Falls or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

May purchase stone crusher.

SECTION 1. The common council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city. The council may with the consent of the sheriff, or of the board of supervisors of Jackson county, deposit stone when brought upon the grounds connected with the jail of said Jackson county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city, on such terms as may be agreed between the city and the county of Jackson.

Set out ornamental trees.

SECTION 2. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in

front of the same, and to protect and preserve them, and in default, thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they are to be set, and the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to such proper proportions, and to do all other needful acts as to them shall seem just and proper to give this section proper effect.

Amount that may be expended.

SECTION 3. The common council may expend for the improvement of any highway or highways leading into said city not to exceed two thousand dollars in any one year, to be expended under and by the direction of the common council.

Donation for fair purposes.

SECTION 4. The common council may expend for the improvement of the Jackson County Agricultural Society fair grounds in said city of Black River Falls, not to exceed one thousand dollars in any one year, to be expended under and by direction of the common council of said city.

To be let by contract.

SECTION 5. All work for the city exceeding one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

No extra compensation to any officer.

SECTION 6. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman, for their services.

Settlement of just claims.

SECTION 7. The council shall settle all just claims and demands against said city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

Public act.

SECTION 8. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

In case city clerk is incapacitated.

SECTION 9. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

Penalty for collusion.

SECTION 10. Every member of the common council of the city of Black River Falls who shall, directly or indirectly vote for himself, or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter, or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of equalization, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly interested in any contract with or in behalf of said city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint, before any justice of the peace having jurisdiction, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Licenses by whom signed.

SECTION 11. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been directed by the common council, and the applicant shall have filed a receipt as afore-

said, together with the bonds as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Assessment of licenses.

SECTION 12. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Drunkenness, etc., how punished.

SECTION 13. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places of the city of Black River Falls, shall be deemed guilty of a misdemeanor, and on conviction thereof before a justice of the peace of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Jackson county not less than two days nor more than three months.

Appropriations.

SECTION 14. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Remission of penalties.

SECTION 15. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Lines and boundaries may be re-adjusted.

SECTION 16. The common council may at any time cause a new and accurate survey to be made on the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of Jackson county.

Shall be prima facie evidence of correctness.

SECTION 17. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Grades of all streets shall be established.

SECTION 18. The common council may, at such time as they may deem proper, establish the

grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be effected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

May have and purchase real estate.

SECTION 19. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

Not subject to special taxation.

SECTION 20. No real or personal property shall be subject to special taxation for street or sidewalk purposes; but all streets and sidewalks are to be maintained out of the general funds of the city.

Deeding property.

SECTION 21. When the city of Black River Falls deeds or leases any real estate or any interest therein, owned by said city, the party of the first part shall be the city of Black River Falls, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Mayor to execute a deed.

SECTION 22. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance to be attached to deed.

SECTION 23. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the

ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

In case election is not held at proper time.

SECTION 24. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be held at any subsequent day, by order of the common council, and if any of the duties enjoined by this or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

License money to be part of general fund.

SECTION 25. All moneys paid to the city on account of any or all licenses whatever, granted or issued by the common council of said city, shall be paid into the city treasury and become a part of the general fund of said city.

Use of county jail.

SECTION 26. The use of the jail of Jackson county, until otherwise provided, shall be granted to said city, on such terms as may be agreed upon between the mayor and chairman of the county board of supervisors, for the confinement of offenders; provided, that in all cases of final commitments on sentence for the violation of any law or ordinance of said city, the expense of maintaining said prisoners shall be borne in the same way as now provided by section 917, revised statutes of 1878, for prisoners committed from villages for violation of village ordinances, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the sheriff shall be responsible as in other cases.

How city shall be represented in county board.

SECTION 27. The city of Black River Falls shall be represented in the board of supervisors of Jackson county by three supervisors from the city at large.

Regular committees enumerated.

SECTION 28. The regular committees of the common council shall be as follows: On finance,

streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient.

Remission of tax, etc.

SECTION 29. The common council may by unanimous vote thereof, remit any tax or special assessment, or any part thereof whenever the same shall be manifestly illegal or unjust.

Town meetings may be held in city.

SECTION 30. The citizens of the town of Albion shall have the privilege to hold all town meetings and the general and special elections at such place in the city of Black River Falls as they may determine, and the officers of said town of Albion may transact all town business in said city and with the like effect as if held or done in the town of Albion.

City paupers, how disposed.

SECTION 31. The paupers of said city shall be removed to the poor-house of the county of Jackson by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

No officer to go as surety on bond.

SECTION 32. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by or to the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

Resignations.

SECTION 33. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Removal of member of council.

SECTION 34. The common council may by a two-thirds vote thereof upon ten days' written notice and a hearing expel any member thereof for cause.

Removal of officers or agents.

SECTION 35. The common council may remove any officer or agent of the city, except a member of the common council by a majority vote thereof, for incompetency, misconduct or neglect in the discharge of official duties.

Shall constitute no part of road district.

SECTION 36. The city of Black River Falls shall constitute no part of a road district.

Does not repeal.

SECTION 37. No general law of this state contravening the provisions of this act, shall be construed as repealing, annulling, or modifying the same, unless such purposes be expressly set forth

in such law, as an amendment to this chapter or this act.

SECTION 38. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same powers to collect said personal property tax as is now conferred by law upon county treasurers for the collection of all personal property taxes. Personal property tax not returnable.

SECTION 39. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject. General provisions of law to govern.

SECTION 40. All acts and parts of acts conflicting with the provisions of this act, together with the act of which this is amendatory, are hereby repealed. Repealing sections.

SECTION 41. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1885.

[No. 569, A.] [Published March 31, 1885.]

CHAPTER 164.

AN ACT to revise the charter of the city of Chippewa Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading Corporate name.

and being impleaded with, in all courts of law and equity, and shall have a sommon seal, and may change and alter the same at pleasure.

CHAPTER II.

Corporate limits.

SECTION 1. The south half of sections thirty-one aud thirty-two, town twenty-nine, and all of that portion of sections five, six and seven, township twenty-eight, in range eight west, and sections one and twelve, town twenty-eight, range nine west, which lies on the north side of the Chippewa river, and the south half of section thirty-six, of township twenty-nine, range nine west, in Chippewa county, Wisconsin, shall be included within and constitute the territory comprising the city of Chippewa Falls.

Division of wards.

SECTION 2. The city is hereby divided into eight wards, as follows: All of section five northeast of State street, on the north side of the Chippewa River including the eastern additions, and all of the south half of section thirty-two including Mansfield's and McBean's addition shall constitute and is hereby established as the first ward. That part of the territory bounded by State street on the northeast, the river on the southeast, High street on the southwest, and Columbia street on the northwest, shall constitute and is hereby established as the second ward. The mill reserve and all that territory bounded on the northeast by High street, on the southeast by River street, on the southwest by Pine street, and on the northwest by Columbia street, shall constitute and is hereby established as the third ward. All that territory bounded on the northeast by Pine street, and a continuation of the same to Willow street, on the southeast by the Chippewa river, on the west by the west line of the city, on the north and northwest by Willow street, and a continuation of the line of same to the north line of section twelve, thence on said north line to the western limits of the city shall constitute and is hereby established as the fourth ward. Carson's addition and the south half of section one and the south half of the north half of said section in town twenty-eight, range nine, and the south half of the northwest quarter of section six, town twenty-eight, range eight, shall constitute and is

hereby established as the fifth ward. The territory bounded by High street on the northeast, Columbia street on the southeast, the west line of Allen's addition and west line of section six on the west and Spruce street on the northwest, shall constitute and is hereby established as the sixth ward. All of the south half of section thirty-one, town twenty-nine, range eight, including the northern addition and the territory bounded by the west line of section six of town twenty-eight, range eight, on the east, Columbia street on the southeast, High street and an extension of the same to the south line of said section thirty-one on the southwest, and south line of said section on the north, shall constitute and is hereby established as the seventh ward. All of the south half of section thirty-six, town twenty-nine, the north half of the north half of section one, town twenty-eight, range nine, the north half of the northwest quarter of section six, town twenty-eight, range eight, and the territory bounded on the northeast by High street and an extension of the line of the same to the south line of said section thirty-one on the southeast by Spruce street, on the west by the north and south center line of said section six, shall constitute and is hereby established as the eighth ward. And the territory between the northwesterly terminus of High street and Duncan Creek shall be a part of said eighth ward. It shall be the duty of the clerk to prepare a book for use at the election in each ward, in which shall be entered in orderly and convenient form all lots and subdivisions of land in the ward. The descriptions shall be as platted when the territory has been platted, otherwise by government description. The council may require also that all lots and parcels of land be designated as occupied or vacant, as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them with the other returns as hereinafter provided.

CHAPTER III.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of

Elections—when held.

April of each year except as hereinafter mentioned, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days previous notice except the first election after the passage of this act, shall be given by the city clerk, in such manner as the common council shall direct, of the time and place of holding such elections, and of the city and ward officers to be elected; provided, however, that no election shall be invalidated because of failure to give said notice; and provided further, that no election shall be held in any building where intoxicating liquors are kept. Provided further that after the election of 1885, the annual election in said city for city and ward officers shall be on the first Tuesday of March in each year.

Officers to be elected.

SECTION 2. The elective officers of said city shall be a mayor, one alderman from each ward, a city treasurer, city clerk, one assessor, one justice of the peace and one supervisor from each ward. The appointive officers shall be a city attorney, city auditor, city physician, street commissioner and city surveyor, and such other officers as are necessary to the proper management of the affairs of the city; which officers shall be appointed by the mayor subject to the approval of the common council. The term of office of all elective officers shall commence on the second Tuesday of April after their election, and continue for one year, or until their successors are elected and qualified. The term of office of all appointed officers shall commence on the first Tuesday after their appointment, and expire with the term of office of the mayor who appoints them, except city auditor, city attorney, city surveyor, city physician and street commissioner, and the term of office of the said city auditor, physician, attorney, surveyor and street commissioner shall expire when their successors are appointed and qualified.

Vacancies—how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, alderman, supervisors, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in

any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof, for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Relating to elective and appointive officers.

SECTION 4. All of the elective officers of said city, and all of the appointive officers herein specially mentioned, except city surveyor, shall, as a qualification for office, be the owners in fee of one or more parcels of real estate situated within, and shall be qualified voters of said city. All ward officers, including aldermen and supervisors, shall be qualified voters of the ward in which they are elected, and shall possess the same qualifications as to property as elective city officers. All appointive officers except as heretofore provided, shall be qualified voters of said city. When an election shall be closed the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make a return thereof to the city clerk; on the day following the election, they shall return the ballot-box sealed with the ballots therein, that have been canvassed by them. If any contest is commenced over the result within ten days they shall be preserved, otherwise they shall be destroyed in the presence of the council, and on the second day after the election, the city clerk, city attorney and the mayor shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number cast for each candidate therefor, duly subscribed by a majority or all of the said board of canvassers, and the clerk shall, within three days thereafter, give notice to each person elected of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify, and enter upon

the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed.

Form of oath of disqualified voter.

SECTION 5. If at any special or general election the inspectors shall suspect that any person offering to vote is not a qualified elector, or if any vote be challenged by an elector, such vote shall not be received unless the person offering to vote shall make the following oath: "You do solemnly swear (or affirm as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen, conformably with the laws of the United States on the subject of naturalization), that you have been an actual resident within the city of Chippewa Falls for one year, and within this ward for thirty days immediately preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election, and that you have correctly stated where you reside;" which oath any member of the board of inspectors is hereby authorized and empowered to administer, and if the person offering to vote shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty dollars. It shall be the duty of the inspectors of election to keep a list of all the names of all the persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and before any such vote shall be put in the box it shall be numbered on the back corresponding to the number of the voter's name on the list of voters, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall willfully omit to write down

the name of every voter as he votes, or shall willfully make untrue and incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

Election—when held.

SECTION 6. The first election under this act shall be held on the first Tuesday in April, 1885, and elections shall be held annually thereafter on the first Tuesday of March. The present city officers of said city shall hold their offices for the time they were elected, and till their successors are elected and qualified.

Qualified voters.

SECTION 7. All persons entitled to vote on a general state election, and who have resided in the city one year, and in the ward thirty days, next preceding the time of holding said election, and who shall state the lot or parcel of land on which they reside, shall be entitled to vote at all city and ward elections; provided, however, that at the election in April, 1885, all persons otherwise qualified, shall have the right to vote in the wards in which they reside at the time of the passage of this act.

Elections—how conducted.

SECTION 8. All the elections shall be conducted by the members of the council from each ward, and a third person to be appointed by them, and by two clerks to be elected by the by-standers on the morning of election; and if the members of the common council, or either of them are not present, their places may be filled by election from the persons present, who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings, so far as not otherwise provided herein; provided, however, at the election in April, 1885, the common council, prior to the election, shall procure a proper place for holding the election in each ward, and a residence shall be construed to mean the place where such elector lodges. No vote shall be received unless the person offering to vote states the lot or parcel of land on which he resides, and in all cases, before the vote shall be placed in the box, the number shall be marked opposite the lot or parcel of land on which such person claims to reside, in the book prepared by the clerk under section 2, of chapter 2, of this act.

Elections shall be by ballot.

SECTION 9. All elections by the people shall be by ballot, on which the names of all officers voted for shall be written or printed. A plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and manner as they shall direct.

CHAPTER IV.

Persons elected or appointed shall furnish bonds.

SECTION 1. Every person elected or appointed to any office under this act, shall before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state; and shall file the same duly certified by the officer administering the same with the city clerk; and the treasurer, clerk and auditor and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond with two or more sureties, the aggregate amount of whose property within the state, over and above all their respective debts, exemptions and liabilities, shall be shown to be double the amount of such bonds by their several and respective affidavits attached to or endorsed on such bonds; and such bonds shall respectively contain such penal sums and such conditions as the common council may deem proper; provided, however, the bond of the city treasurer shall not be less than thirty thousand dollars and the bond of the city auditor shall not be less than five thousand dollars, said bond shall be approved by the common council. And the common council may from time to time require new or additional bonds and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Chippewa Falls shall be filed with and safely preserved by the city clerk in his office unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time shall be duly witnessed and acknowledged, and recorded in the

office of the register of deeds of Chippewa county. A transcript from the records of such bonds in the office of the register of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded in case of the loss of the originals.

Duties of mayor.

SECTION 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city; when present, he shall preside at the meetings of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department, and of the police, and in case on any occasion the mayor shall deem it prudent or necessary, he may appoint temporary policemen, within and subject to the restrictions of this charter; but in such case he shall report the same to the next regular meeting of the common council. The term of service of all specials shall expire at said meeting, and shall not be reappointed except as provided in the chapter relating to police department. Any ordinance, resolution or appropriation which shall have been duly passed by the council, shall be in force, unless disapproved by the mayor, within three days, who shall state his objections thereto in writing, to the common council at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two thirds of all the members of the common council, elected shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void. All such votes on the passage of any such ordinance resolution or appropriation, after the objections of the mayor are read, shall be taken by yeas and nays, and entered upon the journal of the council.

President of council.

SECTION 3. At the first meeting of the common council in each year after the annual city election, or as soon thereafter as may be, they shall proceed

to elect by a ballot, one of their number president, and in the absence of the mayor the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being shall discharge the duties of mayor; shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all officers required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and such record and copies of all papers filed and recorded in his office, and transcripts from the records of the common council, and the records of official bonds, certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts to the same extent that the originals would be if produced: he shall draw and countersign all orders on the city treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages or copies thereof presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel mortgages in town clerks' offices, receiving the same fees allowed by law to town clerks, and all chattel mortgages or copies thereof so filed and recorded shall be valid, and have the same effect as is given by law to chattel mortgages filed in the office of a town clerk; he shall keep an accurate account with the treasurer, and charge him with all tax lists delivered

to him for collection, and all moneys paid into the treasury. It shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk *pro tempore*. The clerk shall also keep the claims book under the direction of the auditor.

Duties of city attorney.

SECTION 5. The city attorney shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the business of the city, to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessments; also to draft all ordinances, and to revise the ordinances of said city, whenever required by the common council, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law to be done by the city attorney; provided, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for his services an annual salary to be fixed by the city council, payable monthly.

Duties of city treasurer.

SECTION 6. The city treasurer shall perform all the duties required of him by law; collect all

city, county and state taxes, and pay over the money in his hands according to law. He shall keep in the proper books an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city paper; such reports to state the amount of money on hand. The treasurer of the city of Chippewa Falls, in no case shall receive more than three per cent. on the sums by him collected, and shall be ineligible for re-election, for one year next succeeding the termination of his office.

Duties of assessor.

SECTION 7. The assessor shall assess all the taxable property of the city of Chippewa Falls as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of city physician.

SECTION 8. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health. He shall use reasonable diligence to discover any nuisances, or anything existing in the streets, alleys or public places, or upon grounds adjoining the same in said city, that may endanger the health of the people residing therein, or in the vicinity of any such nuisances; and once in each month, from the month of March to the month of November in each year, he shall file with the city clerk a report stating the facts with reference to any such nuisance known to him, and such recommendations with reference to the same as he may think will best subserve the public interest. He may at the same time report anything else known to him relating to the health of the people of said city, which in his opinion should be remedied by the city authorities. For failure to make any such report, he shall forfeit the sum of ten dollars, to be deducted from his salary. Each said report shall at the next ensuing meeting of the council, be presented to them for their consideration. Said

physician shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and alderman may impose.

Duties of auditor.

SECTION 9. It shall be the duty of the auditor to carefully examine any claim presented against the city, and determine whether the claim is properly itemized and sworn to, whether the items charged are correct, and the debt or claim incurred by proper authority, and generally to examine and determine upon the correctness of the claim, item by item. For that purpose he shall have power to swear witnesses and take testimony. If the auditor finds no objection to the claim he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall attach to the claim on file a report of his reasons, and in all cases he shall file with the claim all evidence taken by him. No claim shall be considered by the council or referred to the committee until it has thus been examined by the auditor, but such examination shall in all cases be made as soon as practicable after the claim is filed with the city clerk, and in all cases the examination shall be concluded within thirty days after such filing. The auditor shall also once in each month examine the treasurer's accounts as reported by him and as kept by said treasurer, and make report as to the correctness of said accounts, and also any violation of the duties of the treasurer in the manner of keeping his accounts or disbursing the moneys of the city. If on such examination the auditor finds the monthly report of the treasurer correct, he shall mark his approval thereon; if incorrect, he shall report the facts. For any failure on the part of the auditor to make such examination and report, he shall forfeit the sum of ten dollars, to be retained out of his salary. For any month the treasurer shall refuse to submit his accounts and vouchers to the examination, he shall forfeit the sum of twenty-five dollars to be charged to him in his settlement with the city. The said auditor shall, at the expense of the city, provide a proper book, and enter thereon all uncancelled city orders, and all bonds, coupons and obligations of the city outstanding, and thereafter such record shall be kept by the clerk in such a way as to show all outstanding obligations of the city, and

the date of cancellation of each such obligation. The auditor shall also at the expense of the city procure a claim book, on which thereafter all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an index, and shall be in such form as to require entry of the name of the claimant, number of claim, when filed, amount claimed, date of report by auditor, whether approved, and for how much, date of allowance or disallowance by the council, amount allowed, date of issue of order on same, number of the order, and date of payment of the order. The determination of the auditor on any claim presented, or on the state of the treasurer's account shall be advisory only to the common council, The auditor shall make such other examinations as to the conduct of any of the officers of the city as the council shall from time to time require.

Powers and liabilities of justices of the peace.

SECTION 10. The justices of the peace, authorized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Chippewa county, and they shall have jurisdiction over and cognizance of all actions and proceedings the same as other justices of the peace in the said county of Chippewa, and all proceedings before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace; provided that no two of them shall hold their offices in the same room; and provided further, that their official bonds be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to the city which may come into their hands; and they shall report monthly to the common council the amount of money in their hands belonging to the city; and shall pay the same to the city treasurer, taking his receipt therefor, which receipts shall be attached to their reports.

Powers of the council.

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to pre-

scribe and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the corporate year. The common council shall by resolution fix the salary or fees of all other officers of said city, who are to be elected for the ensuing corporate year, entitled to compensation for their services, at the first regular meeting in March of each year; provided, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of April, 1885, and the compensation of the officers so fixed shall not be increased or diminished during the corporate year for which such resolution may be adopted. In case the common council shall fail to fix the compensation of any city officer as aforesaid, then every such officer shall receive the same compensation as that received by his immediate predecessor in office.

Official paper.

SECTION 12. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and proceedings, and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing shall be let by contract to the lowest bidder or bidders. The city printer or printers, immediately after the publication of any notice or ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law, or resolution, and the clerk shall file and record the same in his office.

CHAPTER V.

THE COMMON COUNCIL AND ITS POWERS.

Style of ordinances.

SECTION 1. The mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be: "The mayor and

common council of the city of Chippewa Falls do ordain," etc. The common council shall meet at such times and places as they by resolution shall direct. A majority of the common council shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tnesday in April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Council to control finances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and all of the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or this state, and for these purposes shall have authority, by ordinance, resolution or by-laws, within the restrictions herein provided:

Granting licenses.

1st. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for

and regulate groceries, taverns victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than three hundred and fifty dollars, any general law to the contrary notwithstanding except druggist's licenses, which shall be fifty dollars unless fixed by general law, and that all such licenses hereafter granted shall run from the first day of May in each year. All licenses hereafter granted shall expire on the first day of May after the same are so granted, and if any license is granted after the first day of May in any year the full amount prescribed for a term of one year shall be paid. No license shall be transferred or money paid therefor be refunded except by vote in favor of the same of three-fourths of all the members of the common council elected; provided further, that where an application for a license shall once be denied, the council shall not have authority till after the succeeding first day of May to receive, consider or grant any license for dealing in or vending spirituous, vinous or fermented liquor by the same person when denied is on account of the person or on the lot mentioned in the first application if such denial is on account of the location; provided, further that no such license shall hereafter be granted for dealing in or vending spirituous, vinous or fermented liquors by any person on any of the territory within the limits of said city, except as follows: On the lots abutting on River street, between Duncan creek and West street; on Spring street, from Bay street to Duncan creek; on Central street, from Bay street to Duncan creek; Mill street, from Bay street to Bridge street; on Columbia street, between Bay and Bridge streets; on Willow street, between Bay street and Bridge street; on Bridge street, between River street and Spruce street; on Bay street, between River street and Central street; on Duncan street, between Central and Mill streets; on Jefferson street, to the bridge across Duncan creek; also on the north part of the northeast quarter of the southeast quarter, section thirty-wo, town twenty-nine, range eight, northwest of the highway now occupied by Dan McDonald.

These limits, by ordinance, may be curtailed, but the same shall not be extended; provided further, that no license shall be granted except by a majority vote of all the members of the common council elected. And any persons to whom license is granted shall give bonds in such sum as the council may determine, with two or more sureties, and no person shall sign more than two bonds.

Suppress gambling.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting; and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors unless duly licensed by the common council, and license, regulate and suppress hawkers and peddlers.

Riots and disturbances.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of his or her being implicated in any such offense, but the testimony of such witness shall in no case be used against said witness.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, and comfort and convenience of the inhabitants of said city.

Slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other combustible materials. But nothing herein contained shall prevent the maintenance of the slaughter-houses now situated on section 36, town 29, range 9.

Incumbering of streets.

6th. To prevent the incumbering of the streets,

sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood or any other material or substances whatever.

Prevent horse-racing and regulate places of swimming.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Prevent dogs from running at large.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Unwholesome substances.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skin, or substances of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Establish public pounds—erect water works and regulate and cense hacks, etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and to the said city for fire protection and other purposes; to secure the erection of said water-works, said city may by contract or ordinance grant to any persons, company or corporation the full right and privilege, and empower and authorize such company, persons or corporation to build for themselves and own such water-works, and to maintain, operate and regulate the same, and in so doing to use the streets and alleys of said city, in laying and maintaining the necessary pipe lines and hydrants for such term of years, and on such terms and conditions as may be prescribed by such ordinance or contracts, and may also, by contract or ordinance, provide for supplying from said water-works the said city with water for fire protection and other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitation as may be fixed by said contract or

ordinance. To erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. And for the purpose of lighting the streets, public buildings and public places in said city with gas or otherwise, to contract by ordinance or otherwise with any person, persons, company or corporation for a term of years, not exceeding ten years at any one time at such a price, on such terms and subject to such limitations as may be prescribed by such contract or ordinance.

Establish boards of health.

12th. To establish and regulate boards of health, private hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and exempt burial grounds set apart for public use from taxation.

Size and weight of bread.

13th. To regulate the size and weight of bread, and to provide for the seizure of bread baked contrary thereto.

Obstruct sidewalks.

14th. To prevent all persons from riding or driving any ox, mule, cattle or any other animals on the sidewalks in said city, or in any way doing damage to the sidewalks.

Shooting firearms.

15th. To prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizens thereof.

Restrain drunkenness and obscenity.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Regulate runners and solicitors.

17th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city.

Establish public markets.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers' stalls.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry,

butchers' meat, butter, fish and other provisions.

Weighing and selling hay.

20th. To regulate the place and manner of weighing and selling hay and wood, and measuring and selling fuel and lime, and to appoint suitable persons to superintend the same; to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

Remove rubbish.

21st. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto; and to compel said owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Infectious diseases.

22d. To regulate, control and prevent contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

License auctioneers.

23d. To regulate the time, place and manner of holding public auctions and vendues.

Appoint watchmen.

24th. To appoint watchmen and prescribe their duties.

Weights and measures.

25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures.

Trees and monuments.

26th. To protect trees and monuments in said city.

Sewers.

27th. To prescribe and regulate the construction of sewers within the city.

Streets.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, and alleys, and to keep them free from incumbrances and to protect them from injury.

Name of streets.

29th. To alter or change the name of any street in the city.

Public buildings.

30th. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

Regulate power vested in mayor and council.

31st. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary and expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this

act, or which may be vested in any officer of said city by any ordinance thereof: Provided, however;

Cattle running at large.

1st. No cattle (except milch cows), mules, horses, swine or sheep, shall be allowed to run at large in said city at any time, and no milch cows shall be allowed to run at large in said city between nine o'clock in the forenoon of any day, and five o'clock in the afternoon thereafter. Any person violating this provision shall be punished by a fine of not less than one dollar nor more than ten dollars and costs of prosecution for each offense. It shall be the duty of the police to take all animals found running at large in violation of this provision, and confine them in the public pound, and until such public pound shall be provided by the city the captain of the police shall, at the expense of the city, provide a place for confining such animals. If any animals so confined are not claimed within twenty-four hours after the same are so taken up, and the expenses of restraining and caring for said animals, to the amount of one dollar for taking up each such animal, and fifty cents per day for taking care of the same thereafter, be paid to the pound master or to the captain of police, such animal shall be advertised for sale for said charges, by posting three notices of the same in three public places in said city, ten days before said sale. If the animal is not redeemed before the sale, the same shall be sold to the highest bidder for cash, the charges for taking up and caring for said animal and five per cent for making said sale, shall be paid into the city treasury for the use of the city, and the balance shall be paid to the owner of such animals or be paid into the city treasury for his use. All sales shall be made by the pound master, if there be one; otherwise by the captain of police. In all cases the person taking up such animal shall be paid by the city the costs of caring for the animal restrained to the extent of fifty cents per day for the time any such animal is restrained, and two-thirds of the charge for taking up such animal and making said sale. Any police officer who shall neglect his duty in respect to taking up any such animal found running at large shall be punished therefore by fine of not less than one dollar nor more than five dollars and costs of prosecu-

tion; but the owner of any animal found running at large shall not be punished by fine if such animal be taken up and the charges for the same under this provision be paid.

Penalty for depositing dead animals in city limits.

2d. Any person who shall deposit any dead animal within the city limits, or the owner of any dead animal who shall neglect to cause the removal of such dead animal and burial of the same outside of the city limits, and any person who shall have removed from his premises or who shall remove any rubbish, garbage, dead animal, filth or material of any kind from any place and deposit the same on the premises of another within the city limits, without his permission, shall be punished therefore by fine of not less than five nor more than twenty dollars and cost of prosecution. It shall be the duty of the city to provide a place of sufficient size outside of the city limits, and distant therefrom not less than one half a mile, where all dead animals, rubbish, garbage, filth and materials of any kind necessary to be removed from said city may be deposited and buried.

Abatement of nuisances.

3d. Whenever any nuisance which, in the opinion of the board of health, or city physician, or the captain of the police, affects or endangers the public health, shall be found on any private property, or in any alley adjoining the same, the owner or occupant of such property, if to be found, may be served with a written notice by any of the officers aforesaid, requiring the removal or abatement of such nuisance within a time in such notice to be named; or such notice may, in lieu of such personal service, be posted on the premises upon or adjoining which said nuisance exists. If such nuisance be not removed or abated within the time mentioned within such notice, the captain of police shall and may cause such nuisance to be forthwith removed or abated, and report the expense of the same to the common council. Such reports shall be accompanied by a copy of a notice posted or served and the affidavit of the person or officer as to the service of the same. It shall contain a description of the lot or part of lot to which the expense is chargeable, and shall be certified to be correct by the captain of police. The common council shall cause, such expense to be audited and paid out of the gen-

eral fund, and shall direct the clerk of said city to charge such expense to the lot or premises on or adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next to be made out as a special tax against such lot or premises, and shall be collected as other taxes on real estate are collected.

Endangering Public health.

4th. When any nuisance or thing which, in the opinion of the board of health or city physician affects or endangers the public health, shall be found on any private property, or in any alley adjoining the same, or when there shall be any accumulation of filth or material from any stable, or any other material in any alley or street, the occupant of the property adjoining the same, or if he be not the person at fault, the person who deposited or allowed said nuisance to be created or material to be deposited in such street or alley shall remove the same on five days' notice by the captain of police, and if he neglects so to do, he shall be punished therefore by fine of not less than five dollars nor more than twenty dollars and costs of prosecution.

Penalty for depositing ashes on streets.

5th. No person shall deposit any ashes in any street or alley, and any person violating this provision shall be punished by a fine of not less than one or more than five dollars.

Relating to laws passed by council.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of all of the common council elected and shall within fifteen days after their passage respectively, be published in the official paper or papers of said city, once before the same shall be enforced, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded the publication thereof, respectively, within said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, or by-law, and the proof of such record certified by the clerk, under the seal of the city or any printed book containing the same,

purporting to have been published under the sanction of the mayor and council shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of all of the members of the common council elected in its favor, taken by yeas and nays, which vote shall be recorded in full by the clerk.

Nuisances defined.

SECTION 5. The powers conferred upon the said council to provide for the abatement of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses and places where spirituous, vinous or fermented liquors are sold without the license thereof, within the city limits, are hereby declared and shall be deemed public or common nuisances.

Declare office vacant.

SECTION 6. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, after the same have been audited by the city auditor, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed, shall have expired; and every officer and agent shall exhibit his books, funds and moneys, accounts and vouchers to the auditor for his examination, and thereafter to the council if required for their examination and settlement; and if any such officer or agent shall refuse to comply with this provision or the orders of said council in the discharge of said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Corporate authority.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled the

mayor, in one board which shall be known as and styled the common council of Chippewa Falls, consisting of one alderman and one supervisor from each ward, together with such other officers as may be created under this act.

CHAPTER VI.

Demands against city.

SECTION 1. All accounts or demands against the city, before being acted upon by the auditor, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law, and any person who shall falsely swear to any such account or demand, shall be deemed guilty of perjury, and shall be punished according to law.

Claims disallowed.

SECTION 2. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of the county of Chippewa, by causing written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court and no more.

Relating to appeals.

SECTION 3. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as, by order or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by

said council, exclusive of interest upon such allowance the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgments shall be rendered against the appellant for the amount of such costs.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Streets, alleys, etc.

SECTION 1. The common council shall have power to lay out streets and alleys and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use for the purpose of laying out streets or alleys, or the enlarging of the same the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same be known to such petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in the official papers for four weeks successively, at least once in each week.

Appointment of jurors.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Chippewa for the appointment of twelve jurors to view said premises and determine if it will be necessary to take the same for the purpose specified in said petition.

Jurors to view premises.

SECTION 3. Upon the presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable free holders, residents of

said city but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Precept to be served.

SECTION 4. Any constable of said city shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Disqualified jurors.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting or shall refuse to act, the judge or court commissioner shall appoint others in their places and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner or any justice of the peace shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; which oath shall be filed in the office of the city clerk.

Jurors to view premises within time specified, and report to council.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in the

precept; should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said reports, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their reports as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any one who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath, before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

When buildings are upon lands to be taken.

SECTION 8. If there should be any building in whole or in part upon the line to be taken, the jurors before proceeding to make their assessment shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him to remove.

Notice shall be given to owner or agent.

SECTION 9. At least ten days' personal notice of such determination, shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given, by publication in the official paper or papers of said city, three successive weeks, once in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election, to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or their intention to remove such building. He shall have such

time for this purpose as the common council may allow.

Power of council to sell building.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. the proceeds shall be paid to the owner, or deposited to his use.

Jurors to view premises.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the actual value in money, of the real estate proposed to be taken; and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimation of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8, of this chapter.

If lands belong to different persons.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors.

SECTION 13. The award of said jurors shall be signed by them and returned together with the testimony taken and the precept, to the common council, within the time limited in such precept.

Relating to appeals.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Chip-

pewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 2, of chapter 6, of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Damages awarded.

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

Damages assessed shall be void.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited all the proceedings in any such case shall be void.

Appropriate lands for required purposes.

SECTION 17. The city may pay or tender or deposit as herein required at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever such damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

Contract shall be void.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, on the confirmation of such report, respectively cease and be absolutely discharged.

When only part of lot is taken.

SECTION 19. When only part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agree-

ments respecting the same upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or reserved for or in respect to the same.

Appoint guardian.

SECTION 20. When any known owner of land or tenements affected by any proceedings under this act, shall be an infant, or labor under disabilities, the judge of the circuit court of Chippewa county, or in his absence the judge of any court of record in any county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Accurate survey shall be made.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

CHAPTER VIII.

FINANCE AND TAXATION.

Council to control the finances.

SECTION 1. All funds in the city treasury except school, state and county funds, shall be under the control of the common council and shall be drawn out upon the order of the mayor, countersigned by the clerk duly authorized by a vote of the common council and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn and shall be payable generally out of any funds in the treasury belonging to the city not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose except for the purpose for which such funds are specially appropriated, any re-

quirement of the city council to the contrary notwithstanding, and any treasurer who shall violate this provision shall be punished therefor by fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, and any member of the common council who shall knowingly vote to misappropriate any of said funds or to require the city treasurer to pay the same or any part thereof for any purpose other than that for which the said funds were specially appropriated shall be punished therefor by a fine of not less than one hundred dollars nor more than two hundred dollars and costs of prosecution.

Council to levy tax.

SECTION 2. The common council shall annually levy upon the taxable property of said city a tax sufficient to defray the current and lawful expenses of the same.

No debt shall be contracted against city.

SECTION 3. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall be authorized by a majority of all the members of the common council elected, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act; provided, that the common council shall not issue in any one year orders upon the city treasury to an amount greater than the amount of taxes levied under the provisions of this act for that year, and the amount received from license, penalties and fines; provided further, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes, when so levied shall be collected at the same time as other city taxes are collected, or the amount may be borrowed, and certificates of indebtedness issued therefor, drawing interest at not more than eight per cent., and payable within eight months.

Special taxes may be levied.

SECTION 4. Special taxes may also be levied by the common council, at any regular meeting, for the purpose of paying the interest or principal of any outstanding bond now due or hereafter to become due, issued by the city of Chippewa Falls, or which may be hereafter issued by said city, by authority of law; provided, however, no greater tax shall in any one year be levied

than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected, by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied, shall be collected at the same time other city taxes are collected.

Duties of assessors

SECTION 5. The assessor elected under this act shall, within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by this chapter and the laws of this state, and within such time as now or may hereafter be prescribed by the general laws of this state relating to assessment; said assessor shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots or parcels of land within said city sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed; where there are buildings upon any lot or parcel of land, the value of the same may be set forth in a separate column. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax; provided, that such assessment roll may be so made as to conform to this act, and the same are hereby declared to be matters of convenience and not material to the validity of the taxes to be levied upon such assessment. The said assessor shall make a careful canvass of the city for the purpose of obtaining a correct statement and assessment of all articles of personal property in said city subjected to taxation, and for the purpose of such canvass, said assessor may appoint an assistant for each ward to assist him in such ward in making said canvass, but the term of service of any such assistant shall not be more than five days. Such assistant shall be entitled to receive from the city for his services two dollars and fifty cents per day. If any assistant so appointed shall refuse or neglect to serve, he shall forfeit therefor the

sum of five dollars for each day he so neglects or refuses to serve, and the amount of such penalty shall be recovered for the use of the city as in case of other penalties. Any neglect on the part of the assessor to make such canvass shall not invalidate his assessment, but if he willfully neglects or does not use reasonable diligence to make the same, he shall forfeit the sum of fifty dollars, to be recovered in the name of the city the same as other penalties are recovered; provided, however, that in case where an action is brought to recover said penalty, the same may be retained out of his compensation to await the result of the action, and, in case judgment is rendered against him, the amount so retained shall be applied in payment of said judgment so far as the same will go for that purpose.

Notice to be given upon completion of assessment roll.

SECTION 6. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Board of equalization—its powers.

SECTION 7. Within one week after the time limited for hearing such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and, for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; provided, however, the board of equalization shall not have the power to increase the amount of said roll except by the value of such real property as may have been omitted by the assessor.

Lands omitted in assessment roll.

SECTION 8. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year

when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted; and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

Board of equalization—how constituted.

SECTION 9. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk, on the first Monday of August in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable in reviewing, correcting and equalizing the assessment roll of said city.

Assessment roll should be filed with clerk.

SECTION 10. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, thereupon the common council shall by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Record changes of assessment rolls.

SECTION 11. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes shall remain a lien upon lands.

SECTION 12. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied from the time of the confirmation of such assessment roll, and on all

personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall affect such lien; and any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Duties of city clerk.

SECTION 13. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment rolls and a certificate of the amount of state, county and school tax apportioned to said city to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, with two per cent. upon the whole for the expense of collection to be placed in a separate column prepared for that purpose in the assessment roll, placing opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent when less than one-half; otherwise reckoning the said fraction as a cent.

Duplicate copy of assessment roll.

SECTION 14. The city clerk shall immediately make out a duplicate copy or such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Form of assessment roll and warrant.

SECTION 15. To each assessment roll so delivered, a warrant, under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

To A. B., treasurer of the city of Chippewa Falls:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the name of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated —— day of ——, 18—.

——— ———, Mayor.

——— —— —, City Clerk.

Assessment roll shall be prima facie evidence.

SECTION 16. The said assessment roll and warrant thereto attached shall be *prima facie* evidence, in all courts, that the lands and persons

therein named were subject to taxation, and that the assessment was just and equal.

Laws relative to assessments shall be in force.

SECTION 17. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Public notice shall be given.

SECTION 18. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such taxes (describing for what purpose such taxes are levied), have been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees for treasurer.

SECTION 19. The treasurer shall be entitled to receive and collect as fees for the collection of taxes one per cent. upon all taxes collected by him prior to the first day of January in each year, three per cent. upon all taxes collected by him after the first day of January, and in case of a distress and sale made by him of goods and chattels for the payment of any tax he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all

necessary books, blanks and stationery requisite to the discharge of his duties.

Duties of treasurer.

SECTION 20. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the property in said city.

Directions only directory.

SECTION 21. All the directions hereby given, for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

No proceedings to be instituted.

SECTION 22. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside or to set up or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of premises therefor, unless such persons shall first pay or tender to the proper party, or deposit for his own use with the city treasurer, the amount of all state, county and city taxes, that remain unpaid upon such lot or tract, together with the interest and charges thereon.

Relating to delinquent taxes.

SECTION 23. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things according to chapter 18, of the revised statutes of this state and the acts amendatory thereto in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter 18, and as are prescribed by chapter 198, of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts or in addition thereto.

Lawful currency shall only be received.

SECTION 24. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues.

Council to provide for prompt payments.

SECTION 25. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall p

have power to negotiate temporary loans at the legal rate of interest for supplying all funds to meet any deficiency in the treasury. All temporary loans shall be evidenced by certificates of indebtedness in such form as the council may prescribe, and the same shall be payable not later than January 12th, after their issue.

When treasurer is unable to pay orders drawn.

SECTION 26. When the treasurer shall be unable to pay any order drawn on the treasurer, it shall be his duty to report the fact to the first regular meeting of the council, thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out then the council shall take such action as will enable the city to preserve its credit.

Taxes collected —how paid.

SECTION 27. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then judgments; then all special taxes in the order in which they were levied; then taxes for bridge purposes; then for fire purposes; then taxes for street and other public improvements, and lastly, county taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

When council shall meet.

SECTION 28. The council shall meet on Tuesday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any bill against the city but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. All that part of the city of Chippewa Falls embraced within the following limits shall hereafter be known as the fire limits, to wit: In the original plat all of that part of block thirteen lying west of Duncan creek; all of block fourteen; lots one, four, six, seven, eight, nine, ten, eleven and twelve, of block fifteen; lots one, four, five, eight, nine and twelve, of block sixteen;

lots seven, eight, nine, ten, eleven and twelve, of block twenty; block twenty-one; all that part of blocks twenty-two and thirty-nine lying west of Duncan creek; block forty; block forty-one; block forty-seven; and all of that part of block forty-eight lying west of Duncan creek; in Allen's addition, the south half of lots four and five, and lots six and seven, of block four; lots one, two, eleven and twelve, of block five; lots one, two, eleven and twelve, of block nine; lots nine, ten, eleven and twelve, of block ten; lots nine, ten, eleven and twelve, of block sixteen; and lots one, two, eleven and twelve, of block seventeen; except between Duncan street and Duncan creek, and Bridge street, between Columbia street and Spruce street, where buildings veneered with brick may be constructed by consent of the common council.

Power of council to extend fire limits.

SECTION 2. The common council shall have power to extend the fire limits by resolution or ordinance, but the common council shall possess no power to contract or diminish the fire limits established by this act.

Relating to buildings erected in fire limits.

SECTION 3. No building shall hereafter be erected within the fire limits, unless the same shall be constructed in conformity with the following provisions:

1st. All outside and party walls shall be made of stone or brick.

2d. Outside or party walls not exceeding twenty-four feet in height from the level of the established grade of the street to the under side of the roof joists or rafters, shall not be less than eight inches in thickness, if of brick, and not less less than sixteen inches, if of stone.

3d. Outside or party walls exceeding twenty-four feet in height from the level of the established grade of the street to the under side of the roof joists or rafters shall not be less than twelve inches in thickness, if of brick, and not less than eighteen inches in thickness, if of stone.

4th. All joists, beams and other timbers in ouside and party walls, shall be separated at least four inches from each other, with stone or brick laid in mortar, and all wooden lintels or plate pieces in front or rear walls shall recede from the outside of the wall at least four inches, except that lintels of timber may be used in cornices covered with copper, tin, iron or other equally fire

proof material, which recede four inches from the outside or front as aforesaid.

5th. Roofs, cornices and gutters shall be covered on the outside surface with copper, tin, iron or other equally fire-proof material; and all buildings to be used for stores or warehouse purposes which exceed twenty-four feet in height from the level of the established grade of the street to the under side of the roof joists or rafters shall have shutters to all outside doors and windows made of iron, of not less than one-eighth of an inch in thickness; except that such shutters shall not be required on the doors and windows of the street fronts of stores.

6th. There shall not be more than thirty feet space between the party or outside walls of any building, unless such building be supported by iron or other columns or supports of fire-proof material.

7th. All front and party and outside walls shall extend above the sheeting of the roof at least two feet, and in no case, shall the planking or sheeting of the roof extend through or across any party, end or outside wall, and, in case of any opening in any party, outside or rear end wall, the same shall be provided with iron or other equally fire-proof doors, properly fitted and hung, so as to be easily and quickly closed in case of fire.

Manner of erecting wooden buildings in fire-limits.

SECTION 4. Buildings to be used exclusively as private dwellings and not exceeding twenty-four feet in height from the water table to the eaves of the building, may be erected within the fire limits of wood with a shingle roof, and encased with a brick wall not less than four inches in thickness from the foundation to the roof. But no such buildings shall be used for any other purpose than as private dwellings.

Wooden buildings within fire limits shall not be repaired, etc.

SECTION 5. No wooden building or part of building within the fire limits, except dwelling houses encased with brick, as provided in the next preceding section, shall be raised, repaired, enlarged or removed within, nor shall any such building be removed into the fire limits; nor shall any such wooden building within such limits, which may hereafter be damaged to the extent of fifty per cent. of the value thereof, be repaired or rebuilt; nor shall any such building, when the damages are less than fifty per cent. of its value, be so re-

paired as to be raised higher than the highest point left standing after such damage shall have occurred, or so as to occupy a greater space than before the injury thereto.

Amount of damage to building—how determined.

SECTION 6. The amount or extent of damages that may be done to any building shall be determined by three disinterested persons, residents of the city one of whom shall be chosen by the owner of the building, the second by the mayor, and the two so chosen shall elect the third, and the decision of the persons so chosen shall be conclusive and final; and no damaged building shall be repaired until the damage thereto shall have been determined as provided in this section.

Penalty of building within fire limits.

SECTION 7. Any owner, builder or other person who shall add to, build or aid in the erection of any building or part of a building within the fire limits contrary to, or in any way or manner other than as authorized by the provisions of this chapter, or who shall own, remove or assist in removing any such building from without said limits into the same, or own, remove, repair or assist in repairing any damaged wooden building contrary to any provisions of this chapter, shall be subject to a penalty of not less than twenty five nor exceeding one hundred dollars, in the discretion of the court, for the first offense, and to a like penalty for each and every forty-eight hours such person shall fail to comply with the provisions of this chapter. If any person shall violate any other provision of this chapter he shall be subject to a like penalty and if any member of the council shall knowingly vote to allow any person to do any of the things herein prohibited or if any police officer shall knowingly allow any of the things herein prohibited to be done, he shall be punished by a fine of twenty-five dollars.

Who shall constitute inspectors of buildings.

SECTION 8. The chief engineer of the fire department and the foremen of the steam fire-engines shall be the inspectors of buildings in the city of Chippewa Falls, and it shall be their duty and also of all police officers to report any violation of this chapter to the city attorney, who shall institute proceedings in the municipal court of Chippewa county against the party so offending.

SECTION 9. The common council shall have the power to prevent the dangerous construction and

Council to prevent dangerous construction and condition of chimneys, etc.—Penalties for violation.

condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs, or ladders leading to the same; to authorize the mayor, or members of the common council and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient; and to provide penalties for violation of any resolution or ordinance passed under this charter.

Purchase fire-engines and organize companies.

SECTION 10. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries during the continuance of such membership; and any person having served for the term of ten years in either of said companies shall be forever thereafter ex-

empt from poll tax, except as in cases before mentioned.

Persons refusing to obey orders of engineer subject to arrest.

SECTION 11. When any person shall refuse to obey the lawful order of any engineer or alderman of the city, the mayor or any public officer at any fire, it shall be lawful for the officer giving such order to arrest or direct orally any policeman or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished: and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Council shall have power to organize sack companies.

SECTION 12. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is and may thereafter be vested in any other police officers of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At all fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction; such company may from time to time adopt such by-laws as they may deem expedient, not contrary to the statutes of this state, or the ordinances of the said city. The members thereof shall not be entitled to any compensation for services rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Duties of treasurer.

SECTION 13. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department.

Officers elected.

SECTION 14. There shall be elected by the members of each company aforesaid, annually at their annual meeting, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of June in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Duties of city clerk.

SECTION 15. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of Chippewa county a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed for the annual meeting of the county board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Action to recover penalties, etc.

SECTION 1. The city of Chippewa Falls, in its corporate name, may sue for and recover any and all fines, penalties, and forfeitures under this act, or under the ordinances, by-laws, police or health regulations made in pursuance thereof, or now in force, and not inconsistent with this act, and such

action shall be commenced by complaint, substantially in the following form:

FORM OF COMPLAINT.

Municipal Court—Chippewa County.

City of Chippewa Falls } Before —— ——
against } Municipal Judge.
—— —— }

State of Wisconsin, } ss.
County of Chippewa. }

Form of complaint.

——— ———, being duly sworn complains on oath, to ——— ———, says that he, this complainant, knows, or has good reason to believe, that ——— ———, on the —— day of ——, A. D. 188–, at said city, did violate section —— of chapter —— of a general ordinance of the city of Chippewa Falls, entitled, "an ordinance ———, which said ordinance is now in force (or did violate section ——, or subdivision —— of section ——, or of the provisions of section ——, of chapter —— of the charter of Chippewa Falls, as the case may be), and was then and there guilty of ——, as the complainant verily believes, and prays that ——— ——— may be arrested, and held to answer therefor.

Subscribed and sworn before me, this —— day of ——, A. D. 18—.

——— ———.

It shall be sufficient to give the number of the section or sections, or subdivision of the section or proviso of the section, and the title of the ordinance, by-law or resolution violated in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of the municipal judge of the county, such municipal judge shall issue a warrant thereon, substantially as follows, to wit:

FORM OF WARRANT.

County of Chippewa, } ss.
City of Chippewa Falls, }

Form of warrant.

The state of Wisconsin, to the sheriff or any police officer of the city of Chippewa Falls.

Whereas ——— ——— has this day complained to me in writing, on oath, that ——— ——— on the ——— day of ——, 18—, at said city, did violate section —— of chapter —— of a general ordi-

nance of Chippewa Falls, entitled, "an ordinance ——," which said ordinance is now in force (or did violate section —— or subdivision —— of section ——, or of the proviso of section——, of the charter of Chippewa Falls, as the case may be), and was then and there guilty ——, as the complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest —— of the said ——— and bring ——, before me to answer to the said city of Chippewa Falls on the complaint aforesaid.

Given under my hand at Chippewa Falls, this —— day of ——, A. D., 18—.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause or by order of the court. If the case be adjourned, the defendant, if required by the court so to do, shall recognize in sufficient sureties for his appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Chippewa county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter of the complaint.

Ordinances—when cognizable before courts.

SECTION 2. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in an official newspaper, or in a pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before the courts of this state.

Jurisdiction and duties of municipal judge.

SECTION 3. The municipal judge of the county of Chippewa shall have jurisdiction to try and determine all actions to recover penalties, and of offenses against the charter, ordinances and regulations lawfully imposed by the city of Chippewa Falls. He shall keep a record book in which shall be recorded the proceedings with reference to each such case. In case of conviction in any such case, the sentence in addition to the fine, shall require as part of the punishment, the payment of the costs of prosecution, and in all

such cases the following costs only shall be taxed or charged: Municipal judge's charges, four dollars; for making arrest, one dollar; one dollar per day for board and keeping, but no fractions of a day shall be charged. Any damages to the city property while in confinement, caused by the accused, and the witness fees prescribed by law in cases before justices of the peace. All sums for fines and costs so collected, exclusive of witness fees, shall be paid over to the city treasurer, as hereinafter provided. At the end of each month the municipal judge shall make and file in the office of the city clerk a report, in a form to be prescribed by the auditor, showing each case presented during the preceding month, the amount of fines and costs recovered in each such case in detail, the amount to which any officer is entitled, and such other matters as may be required by the form prescribed. The report shall have attached thereto the receipt of the treasurer, showing payment to him of the amount collected, exclusive of witness fees. If the judge neglects to file said report for ten days after the close of the month, he shall forfeit the sum of five dollars, to be retained out of his compensation. The report shall be examined by the auditor, and otherwise be treated as other accounts are against the city, and when final action is had thereon by the council, an order shall be drawn on the treasurer for the amount to which the judge is entitled as his compensation, under this charter, and an order shall also be drawn in favor of each person entitled to any sum as determined by the council on said report. Said orders shall be paid by the treasurer on presentation. Any person feeling himself aggrieved by the action of the council may appeal to the circuit court as in other cases of claims against the city.

Compensation of judge.

SECTION 4. The city shall provide the municipal judge with a suitable room for the court in the city building, and warm and light the same, free from rent, and shall furnish the judge with the necessary blanks for doing the city business in his court. He shall be allowed for all services by him rendered to the city, three-fourths of the amount paid to the treasurer collected for municipal judge's charges; provided, however, in lieu of this the council may pay the judge a salary of one thous-

and dollars per year, payable quarterly on the first days of January, April, July and October in each year. If the council determine to pay such salary as aforesaid, for any year, they shall determine the same prior to the first day of the year.

Unclaimed witnesses' fees.

SECTION 5. In the December report for each year the judge shall report all witnesses' fees unclaimed, and shall pay the same to the city treasurer, and attach the treasurer's receipt showing such payment, to his report.

Relating to witnesses—when jury shall be allowed.

SECTION 6. Witnesses shall attend before any justice of the peace in and for the city of Chippewa Falls, or before the municipal judge for the county of Chippewa in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. In civil prosecutions for the violation of any provision of this charter or any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the finding of the court shall be guilty or not guilty; if guilty the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Chippewa, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of the county of Chippewa, or at such place as the city

of Chippewa Falls may provide for the benefit of said city, under the watch-guard and supervision of whomever the mayor and common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty, or forfeiture and costs are sooner paid. The commitment may be substantially in the following form:

County of Chippewa, } ss.
City of Chippewa Falls. }

Form of commitment.

The state of Wisconsin, to the sheriff or any constable of said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at —— court, in and for the county of Chippewa, held at my office in said city, for the trial of —— —— for the offense hereinafter stated, the said —— —— convicted of having on the —— day of ——, A. D., 18—, at said city, in said county, violated section —— of chapter —— of a general ordinance of the city of Chippewa Falls, entitled, "an ordinance ——;" which said ordinance was then in force (or did violate section ——, or subdivision —— of section ——, or of the proviso of section —— of chapter —— of the Chippewa Falls, (as the case may be) and upon conviction the said court did adjudge and determine that the said —— pay a fine of —— dollars, together with —— dollars costs; that in default of payment of said fine and costs, he be imprisoned in the county jail of said county or in the city prison for the term of —— days, at hard labor for the benefit of the city of Chippewa Falls; therefore, in the name of the state of Wisconsin, you are commanded forthwith to take the ——of the——and —— convey and deliver to the keeper of the common jail in and for Chippewa county, or of the city prison; and the said keeper is hereby commanded, in the name of said state, to receive and keep in custody in said jail, the said —— ——, for the term of —— at hard labor for the benefit of said city, unless the said fine, together with all costs and jail fees are sooner paid, or —— be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

—— ——.

SECTION 7. If the mayor of the city shall at

Mayor may work prisoners outside of jail or yard.

any time, deem it for the interest of the city, he may employ and work the prisoner so committed outside of the jail or yard, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city deliver the prisoner or prisoners in such order named or described, in the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Defendant may appeal to circuit judge.

SECTION 8. In all cases the defendant may appeal from such judgment to the circuit court of the county of Chippewa; provided, such defendant, within twenty-four hours, pay to the judge the costs and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties, to be approved by the judge from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Chippewa at the next general term thereof and from term to term thereafter, and abide the judgment of said court therein. The judge from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return affidavit or complaint upon which the same was issued, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Trial by jury.

SECTION 9. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the judge shall be rendered, and no notice of trial shall be required to be given to or by either party.

SECTION 10. If the judgment of the court appealed from shall be affirmed, or if, upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in the appellate's court; and in default of payment of such fine, penalty or forfeiture and costs, to be committed as provided in section 5, of this chapter. If the fine penalty or forfeiture is paid, it shall be paid to the clerk of the circuit court, and by him to be, within ten days thereafter, paid to the municipal judge from whose judgment the appeal was taken; and the same shall be by him accounted for to the city in his next report. Penalty upon conviction.

SECTION 11. In case of the breach of the conditions of the recognizance, hereinbefore mentioned, by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the city of Chippewa Falls as plaintiff, in the circuit or municipal court for Chippewa county; and the measurement or recovery shall be twice the amount of the fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the case subsequent to the appeal, all of which shall be paid to the municipal judge, and be by him accounted for to the city in his next report. If the action is brought in the circuit court, the municipal judge shall satisfy the record in that court. Such judgment shall be enforced by execution as in actions of court. Regarding the escape or non-appearance of defendant.

SECTION 12. No person shall be an incompetent judge, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest. Shall not work incompetency.

SECTION 13. All ordinances, by-laws, resolutions and regulations now enforced in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect, and shall have the force of law. Relating to rights, actions, penalties, etc.

SECTION 14. All rights, actions and penalties, Suits against city.

fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Suits against city.

SECTION 15. No suit of any kind on any claim of any character shall be brought against said city, but the claimant shall file his claim with the city clerk for the action of the council thereon, and if he feels aggrieved by their determination, he may appeal to the circuit court in the manner hereinbefore provided. If the council neglects to take final action within sixty days after the claim is filed, the same for the purposes of an appeal by the claimant may be taken as disallowed. In case an appeal is taken, the city clerk shall immediately notify the city attorney, and shall make and deliver to him a copy of all papers and proceedings relating to the matter in his possession. He shall also notify the common council of such appeal at its next meeting.

Penalties, etc., shall be paid into city treasury.

SECTION 16. All fines, penalties and forfeitures recovered and collected under and by virtue of this act not hereinbefore provided for, shall be paid into the city treasury for the use and benefit of said city.

Judgment levied on taxable property.

SECTION 17. No execution shall at any time be issued on any judgment against the city, but the judgment shall be levied on the taxable property of the city and placed in the next tax roll for collection, and on or before the first day of May thereafter the amount of such judgment shall be paid to the judgment creditor.

Power to grant pardons.

SECTION 18. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws, resolutions or regulations of the city, upon such conditions as he may deem proper, but he shall not have power to pardon any person convicted of violating any provision of this charter. He shall communicate any such actions to the common council at its next meeting, with the reason therefor.

CHAPTER XI.

IMPROVEMENTS OF STREETS.

Improvement of streets.

SECTION 1. The common council of the city of Chippewa Falls shall have power to establish the

grades of the streets of said city and to change and re-establish such grades as they shall deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but proceedings to recover the same shall be had by filing the claim as in cases of other claims against the city. All grades heretofore established by the city, and particularly the Newman grade, are hereby legalized and declared to have been legally established by said city, and no action shall be brought at any time to restrain the collection of or to set aside any tax certificate issued on sale for a tax levied subsequent to January 1, 1884, or hereafter for grading any of the streets of said city by reason of any irregularity or non-compliance with the charter in establishing or attempting to establish any such grade. Any grading certificate issued subsequent to May 15, 1879, or hereafter issued, shall be conclusive proof of the regularity of all proceedings up to the issue of said certificate; provided, however, that as to said certificates issued subsequent to May 15, 1879, the owner of the property taxed may pay the same and file and prosecute his claim to recover back the money at any time within nine months after such payment, and in such action said certificate shall only be presumptive proof of the regularity of the proceedings.

Power to establish grades.

SECTION 2. The common council of the city of Chippewa Falls shall have the power by an affirmative vote of two-thirds of all the members elected, to order and contract for the making, grading and paving and repairing and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, and to order and contract for the construction of gutters and sewers, and to provide for the construction of sidewalks or the repair of the same, in the manner hereinafter mentioned, and direct and control all persons employed thereon.

Board of public works by whom constituted.

SECTION 3. The auditor, city attorney and city surveyor shall constitute a board of public works, and the auditor shall be president thereof. Said board shall before the first day of June in each year determine upon a system of improvements

for the ensuing year, and report the same to the common council, mentioning in said report the most necessary improvements first, and the others in the order of their necessity; and after the same shall have been approved by the council, the said system shall be carried out and not materially deviated from, except in case of necessity.

Relating to the grading, graveling, paving, etc., of streets.

SECTION 4. The grading, graveling, paving, planking or macadamizing to the center of any street or alley, and the grading, graveling and macadamizing, planking or paving of any sidewalk, the paving of any gutter, and the construction of cross walks, where there is no intersection of streets shall be chargeable to and payable by the lots fronting or abutting upon such street, alley, sidewalk or gutter, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjudged by said board to benefit such lots; provided, however, that in case of paving a street, a portion of the cost not exceeding, however, one-third thereof, may be paid by the city at large, if the common council so determine. The expense of all such improvements or works across streets at their intersections with streets or alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, shall be paid by the city at large, and the expense of maintenance, renewing, keeping in repair and cleaning all streets, and the pavement or other surface thereof, in all cases where such streets shall have been constructed to the established grade, and graveled, planked and macadamized or paved as required by the council at the expense of the lots fronting or abutting on such streets as hereinbefore provided, shall be paid out of the general fund of the city; provided, that when a street which has been graveled is ordered to be paved, planked or macadamized the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon said streets as hereinbefore provided for the first improvement of a street.

Board of public works shall view premises.

SECTION 5. Before the common council shall order any work to be done on any street by the owners of the lots or lands fronting on the same, said board of public works shall view the premises and consider the amount proposed to be made

chargeable against said several lots or pieces of land, and the benefits which, in their opinion, will actually accrue to the owners of the same in consequence of such improvement, and shall assess against the several lots or pieces of land, or parts of lots or pieces of land which they may deem benefited by such improvements, the amount of such benefit, which those lots or pieces of land will, severally, in the opinion of said board, derive from such improvement when completed, in the manner contemplated in the estimate of the cost of such work, which estimate shall previously be made by the city surveyor and placed on file in the office of the city clerk. Said board shall take into consideration in each case any injury which, in the opinion of the board, may result to any parcel of land by such improvement. The balance shall be apportioned on the balance of the lots on the street graded in proportion to the benefits to such lots, or the same may be paid by the city at large, or part may be so apportioned and part paid by the city at large, as shall finally be determined in the manner herein provided.

Said board shall draw up report.

SECTION 6. The said board shall draw up a report showing their determination as to the amount of the cost of the said work or improvement that should be charged to each parcel of said land, and the amount that should be paid by the city at large, and file said report in the office of the city clerk.

Report open to examination at city clerk's office.

SECTION 7. A notice that such report is ready for examination at the office of the city clerk, and that the same shall be opened for review and correction by said board at said office for ten days after the first publication of said notice during certain hours, not less than two hours of at least three days and that persons interested may be heard in objection to such report shall be published in the official paper of said city twice in succession. No irregularity in the form of said report or of said notice shall affect the validity of the same if it fairly contains the information intended to be conveyed therein. Said board shall attend during the hours mentioned for that purpose, shall hear objections and evidence, and have power to review, modify and correct their report as they shall deem just, and thereupon said board shall draw a completed and final report, and file

the same, together with all evidence taken by them, and proof of publication; but no irregularity in the form of said report or manner of conducting the proceedings of said board shall invalidate or affect the legality of said report. Said report shall not be binding on the city, but shall be advisory to the common council. At any time after the filing of the said report the common council may confirm or correct the same, or refer the report back to the board for further consideration. In case of paving a street the council shall deduct the proportion which they shall determine shall be paid by the city at large. When the report shall be so corrected as to be satisfactory to the common council they shall by a resolution confirm the same.

City clerk shall publish notice in official paper.

SECTION 8. Thereupon the city clerk shall publish a notice in the official paper for one week that the final determination has been made as to the amount of the cost of the proposed improvement to be charged to each parcel of land abutting on the street to be graded or improved. The amount so determined shall be conclusive unless appeal shall be taken as provided in the next section; provided, however, if the cost of any said improvement shall exceed the estimated amount, as so approved, the excess shall be apportioned in the same ratio, and in case the cost of the improvement is less than the amount so apportioned, such amount shall be proportionately decreased.

May appeal to circuit court.

SECTION 9. If the owner of any parcel of land abutting on said street, against which any portion of such improvement is chargeable, feels himself aggrieved by reason of the improvement or the amount charged to his parcel of land, or any parcel of land in which he has an interest, he may within twenty days after the date of such confirmation appeal therefrom to the circuit court, and such appeal shall be taken, tried and determined, and bonds for costs shall be given, and costs awarded, in like manner as in cases of appeals from the disallowance of claims under this chapter; provided, however, that the issue on such appeal shall be tried by the court. In case any contract shall have been made for making said improvement, said appeal shall not affect the contractor or the proceedings in reference to his contract, but the certificate against the lot in question

shall be given as if no appeal had been taken, and in case the appellant shall succeed, the difference between the amounts charged in the certificates and the amounts finally adjudged shall be paid by the city after he shall have done the work in question.

Final appeal.

SECTION 10. The appeal given by the last preceding section from the report of the board of public works, as confirmed by the common council, shall be the only remedy of the owner, or any party interested in any parcel or land affected by said report, for the redress of any grievance he may have by reason or the making of the said improvement and of the amount of the cost of said improvement chargeable to said parcel of land.

Contract shall be let to lowest bidder.

SECTION 11. The contract for making any such improvement shall be let to the lowest bidder, in such manner as the council may direct, and the street commissioner shall supervise the performance of such work of the contractor under the direction of the board of public works.

Contractor entitled to certificate—said certificate by whom signed and validity of same.

SECTION 12. Whenever any work has been done under contract as provided under this act and the same shall have been approved by the board of public works, the contractor shall be entitled to the certificate thereof as to each parcel of land against which any part of the cost of the work is chargeable. Said certificate shall be signed by the mayor, and state substantially the lot against which it is issued, the amount chargeable to the said lot or parcel of land, and that said certificate is issued for work chargeable to said lot. The amount chargeable to the city shall be audited and paid the same as any other claim against the city. Said certificate shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and may be transferred by indorsement. If the same is not paid upon presentation, the same shall draw interest, at the rate of ten per cent. from the date thereof until the same is inserted in the tax roll as hereinafter provided. Such presentation shall be made to the owner or occupant of the land, and if no such owner or occupant is known it shall draw such interest without presentation. If not paid before the making out of the next tax roll, it shall be placed in such roll as a special tax,

and collected as other taxes are collected, and in case the owner of the lot is known, and the name of such owner appears on the tax roll as owner of said lot, collection may be made by distress and sale of the goods and chattels of said owner, the same as in case of other taxes, and if the same is not collected the lot shall be returned delinquent and sold therefor by the county treasurer, the same as in case of other delinquent taxes. All moneys collected by the city treasurer on any such tax shall be paid to the owner of the certificate on demand. All moneys paid to the county treasurer on any such tax so returned to him, either before sale, or which he collects by sale, shall be by him returned, paid to the city treasurer, and in case no one bids off any parcel of land, so returned delinquent at the tax sale, the county treasurer shall bid the same off in the name of the county, as in other cases and shall issue a tax sale certificate, as in other cases of lands bid off by the county, which certificate he shall endorse as county treasurer, and deliver to the city treasurer. All said certificates and money so received by the city treasurer, from the county treasurer, shall be on demand, delivered or paid to the party entitled thereto. All laws relating to fees for collecting of taxes, penalties in case of delinquent return, and other charges subsequent to the issue of tax sale certificate, shall apply, in case of said grading tax, and all laws relating to the redemption from tax sales and tax deeds, in case redemption is not made, shall apply in case of certificates issued on sale for delinquent grading taxes.

Council to direct the construction of sidewalks—notice to be given.

SECTION 13. Sidewalks shall be constructed or prepared upon the proper established grade of any street in said city, of such width, in such manner and of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which sidewalk shall be ordered. When the common council shall so determine to build such sidewalk they shall cause a notice to be served upon the owner or occupant of land in front of which the sidewalk is to be constructed, or, if there is no such occupant, notice may be posted on the unoccupied lot, which said notice shall be so served or posted at least ten days before the expiration of the time limited for

the owners or occupants of lots to construct said sidewalk. Said notice shall be substantially in the following form:

City of Chippewa Falls:

To the owners or occupants of the following described premises: Form of notice.

You are hereby notified and required to build a sidewalk in front of your premises on —— street, which walk must be —— feet in width, of —— material on the established grade. If you do not complete said walk by the —— day of —— 18—, the same will be constructed by the city, and the cost thereof charged to said lot and collected as other taxes are collected, chargeable to you or the said block or parcel of land.

Dated this —— day of ——, 18—.

—— ——, City Clerk.

If said sidewalk is not constructed pursuant to said notice, the same may be constructed by the city, either by contract to the lowest bidder, or in such other manner as the council may, by resolution, determine. When said sidewalk is completed, if constructed and paid for by the city, the board of public works shall file with the city clerk a certificate showing the amount chargeable to any parcel of land on account of the construction of said sidewalk by the city. Such amount, if not sooner paid, shall be, together with ten per cent. interest thereon from the date of such certificate, placed in the next tax roll for collection as a special tax, the certificate of the board of public works so far as aforesaid, shall be conclusive evidence of all proceedings up to and inclusive of the making of such certificate, and conclusive evidence that the parcels of land therein specified are legally chargeable with the amounts specified therein. Such special tax shall be collected the same as special grading taxes heretofore provided for, and all provisions of this chapter, so far as applicable thereto relating to the collection of charges for grading, shall apply in case of the said sidewalk tax. If said sidewalk tax is not paid, and the parcel of land bid off by the county at the tax sale, the certificate issued therefor shall be the property of the city, and the city may dispose of the same, or take a tax deed in case the land is not redeemed, and dispose of said land in such manner as the common council may deter-

mine. The city shall have power to require the repair or reconstruction of any sidewalk, and the same proceedings shall be had as in case of the original construction of sidewalks, for such repairs, and the collection of the costs of such repairs and reconstruction of such walks. All sidewalks constructed or repaired under this section shall be so constructed or repaired under the supervision of the street commissioner; provided. further, that in case the expense of repairing any sidewalk does not exceed the sum of five dollars the same may be forthwith repaired by the street commissioner, and by him certified to the city clerk and if not sooner paid, the same shall be inserted in the tax roll as a tax against the property, and all proceedings with reference to the same shall be, as provided in case of charged for sidewalks certified by the board of public works aforesaid.

Sidewalks shall be free from obstructions.

SECTION 14. It shall be the duty of the owners or occupants of lots or parcels of land, to keep all sidewalks around the same free from snow, ice boxes, barrels, or any obstructions which will obstruct, in whole or in part, said walks, or impede persons in the use of said walks for walking thereon. Any person who shall fail to comply with the provisions of this section, shall forfeit the sum of not less than one dollar nor more than five dollars for each offense, and the further sum of one dollar for each and every day said violation is continued. In construing the provisions of this section, where the premises are occupied, the occupants or persons in charge shall be deemed the proper persons whose duty it shall be to comply with the provisions of this section.

Council to appoint street commissioner—his duties.

SECTION 15. The common council shall appoint one street commissioner, whose general powers and duties shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of such street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, sewers and water-courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have general supervision over all work let by contract for the making, grading, paving and repairing and cleansing

all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner herein mentioned, and direct and control the person employed therein, under the direction of the board of public works.

Shall give bond.

SECTION 16. Every street commissioner appointed by the common council as aforesaid shall before entering on the duties of his office, give a bond to the city of Chippewa Falls, with one or more sufficient sureties to be approved by the council, in the penal sum of not less than two thousand dollars, conditioned to render an account to the common council when required by law, or the ordinances of said city, or by a vote of said council, to keep safely and account for and deliver over, when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over according to law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Commissioner shall report to council.

SECTION 17. The street commissioner shall, on or before the first day of November of each year, also at the expiration of his term of office render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom collected, and showing the amount of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require. All said reports shall be examined by the auditor the same in all respects as provided in case of treasurers' reports, and thereafter shall be placed before the common council for their consideration.

Penalty for failing to report.

SECTION 18. If such street commissioner fails to make his report he shall forfeit the sum of ten dollars, and one dollar a day for each day he shall so fail to make and file such report, and the same may be retained out of his salary.

Relating to poll tax.

SECTION 19. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons of over fifty years of age, idiots, lunatics, paupers, and such

persons whose names appear upon the list filed with the city as provided by section 10, of chapter 9, of this act, to pay each year, when demanded by the street commissioner, a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner or be commuted for in labor as now provided for by law; and in default of paying the same either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. The street commissioner shall be entitled to ten per cent. of the amount collected by him as poll tax, to be retained by him out of the moneys so collected, and such other compensation as the common council shall determine; the amount thereof to be fixed in the same manner as provided in this act for the appointive officers, and not to exceed the sum of five hundred dollars per annum; and the city shall not be liable for any services ordered to be performed by said street commissioner, unless provision is made for paying therefor at the time such services are ordered, except as provided in section 7, of this chapter. Whenever any person shall refuse or neglect to pay his poll tax, the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city as provided by law in other cases. In case said poll tax is not paid by the first day of July, it shall be a sufficient demand to lay foundation for prosecution for the penalty above provided for, if a notice is posted up for ten days in three public places in the city of Chippewa Falls substantially in the following form: To the following named persons: You are hereby notified that you are liable to pay a poll tax of one dollar and fifty cents to me as street commissioner of the city of Chippewa Falls. If you neglect to pay the same within ten days from the date hereof, you will be liable to a penalty of three dollars. Payment may be made to me at the office of the city clerk.

Dated this —— day of ——, 18—.

——— ———,

Street Commissioner.

All poll taxes collected by the street commissioner in said city shall be expended upon the streets in the ward where the person resides

from whom said tax is collected; provided, that any person liable to pay such poll tax may, in lieu of such payment, perform or cause to be performed, one day's labor on said streets.

City clerk to prepare list of persons liable to pay poll tax.

SECTION 20. The city clerk shall prepare a list in a book to be provided for that purpose, of all persons in said city, on the first day of May, so far as the same can by reasonable diligence be ascertained by him, who are liable to pay such poll tax. The names shall be arranged in the alphabetical order. He shall attach thereto a warrant substantially in the following form:

Chippewa Falls—ss.

To —— ——, street commissioner of said city: You are required to collect of each of the persons whose names appear herein, one dollar and fifty cents, as a poll tax, and to render an account of the same as provided by law.

Dated this —— day of ——, 18—.

—— ——,
City Clerk.

Said book shall then be delivered to the street commissioner, and he shall be charged therefor the amount of the poll taxes specified on the said roll. The commissioner may add any names omitted by the city clerk. The said commissioner shall mark on the said book all taxes paid, and he shall return said poll tax book, with a report of his doings thereon, on a day before the first day of November thereafter, and such report shall be examined by the auditor, and then placed before the council for their action, the same as in case of other reports examined by the auditor as provided in the charter All taxes not collected by the street commissioner and returned delinquent may thereafter be collected by the captain of police, and a proper book, containing the names of the delinquents, shall be prepared and delivered to him by the city clerk, with a warrant attached thereto, substantially the same as hereinbefore provided for the street commissioner. He shall make report of the same by the first day of the succeeding April, and such report shall be acted on the same as the report of the street commissioner. And the said captain of police shall receive the same fees for the moneys so collected by him as are paid to the street commissioner for such services.

CHAPTER XII.

Organization of sewerage districts.

SECTION 1. Within six months after the passage of this act, the board of public works shall cause the city to be divided into sewerage districts, constituting such tiers of blocks and such district of territory as by nature of the ground and the grade established or to be established will most practicably and properly be drained through one main sewer or sewerage district, and generally to lay out and determine upon a sewerage system for the city. They shall make a plat of the same, and deposit the same with the city clerk. The city clerk shall thereupon give notice of the filing of the same by publishing a notice in the official paper of the city once in each week for three weeks. The notice shall specify that any objections to the system as determined upon, or any part thereof, may be filed with the city clerk at any time within thirty days from the date of the notice. The city clerk shall, at the end of the time specified, place before the board all objections that shall have been filed, and the board shall then consider the same. They may make any change deemed advisable by them, and if any changes are made they shall correct the plat accordingly, or make a new diagram, if necessary. They shall then attach thereto a certificate that the said plat exhibits the plan of sewerage as finally agreed upon by them. For the purposes of this work the board may, at the expense of the city, employ a competent engineer to assist the city surveyor for not exceeding thirty days.

Plans shall be considered.

SECTION 2. The plan shall then be considered by the common council, and all the proceedings up to the time of the consideration by said council shall be advisory only. The council shall, as speedily as practicable, conclude the consideration of the same, and shall thereupon confirm said plan as the same shall be corrected and agreed upon by them. Said confirmation may be by resolution. They shall cause a careful diagram of the plan as so confirmed to be made in duplicate, and certified to be correct by the city surveyor. One of the same shall be recorded in the office the register of deeds, and one shall be filed with the city clerk. Either of said originals, or said record shall be con-

clusive evidence of the legality of the establishment of said plain.

Council may borrow money.

SECTION 3. The council may, for the purposes of the construction of main sewers, borrow money to the amount of five thousand dollars, and issue the coupon bonds of the city therefor, which bonds shall be made payable at such time as the council may determine, and bear interest at not exceeding eight per cent. per annum.

Shall levy sewerage tax.

SECTION 4. For the purpose of providing for the payment of said bonds, and of providing a general sewerage fund, there shall be a sewerage tax levied each year after the construction of the first main sewer shall have been commenced, of not less than one mill on the dollar, on all the taxable property of said city, which amount, to the extent of said one mill on the dollar, shall be placed in the tax roll by the city clerk for collection without any direction except this provision. Said sewerage tax shall be collected the same as other taxes are collected.

Funds—how paid out.

SECTION 5. The treasurer shall not pay out any of said fund for any other purpose or in any way divert the same from the purpose for which it is collected. For any violation of this provision said treasurer shall forfeit the sum of one hundred dollars, to be collected as other penalties are collected.

Relating to construction of sewers.

SECTION 6. The cost of the construction of all main sewers in excess of the cost of the construction of a minor sewer eight inches in diameter, shall be paid out of the general sewerage fund. The cost of the construction of all catch basins for receiving the water from gutters, and of all pipes connecting them with the sewers, and of the repairing and cleaning of sewers, and all expenses for engineering work, shall be paid out of the general sewerage fund. The cost of the construction of minor sewers and such portion of the cost of construction of the main sewers as shall be equal to the cost of construction of a minor sewer eight inches in diameter shall be chargeable to the lots of land abutting on the street, along which any such sewer shall be constructed, in proportion to the frontage of such lots or lands upon such streets.

SECTION 7. Any portion of such sewerage system may be constructed under contract with the

Sewerage system, constructed under contract.

city, which contract may be made in such manner as the common council may determine.

Form of notice to be given relating to sewerage system.

SECTION 8. Whenever the cost of construction of any portion of such sewerage system shall have been determined, the board of public works shall give notice to the owners of all lands fronting on the street where said sewers shall have been constructed, of the time when they shall meet to determine the amount of such cost chargeable to the lots or parcels of land fronting on the street, by publishing in the official paper of the city, a notice substantially in the following form.

City of Chippewa Falls:

To the owners or persons interested in the lots or parcels of land fronting on —— street, from —— street, to —— street: Take notice, that on the —— day of ——, at —— o'clock of that day we shall meet at the office of the city clerk, to determine the amount chargeable to the lots or parcels of land fronting on —— street, between the points above mentioned, for the construction of the sewer constructed on said —— street.

Dated —— - ———. ——— ———.

Board of Public Works.

Said notice shall be published at least two weeks prior to the date of said meeting. At the time specified in said notice, the board of public works shall hear all parties interested, that may desire to be heard, and shall then, under their hands, make an award fixing the amount that they shall deem properly chargeable to each such lot or parcel of land, for the construction of said sewer, according to the provisions of this chapter, and the award when so made shall be recorded by the city clerk, and said award or said record shall be conclusive evidence of the legality of all proceedings, up to and the making of such award.

Cost of sewer shall be paid out of sewerage fund.

SECTION 9. The cost of the construction of said sewer not so awarded to the lots or parcels of land fronting upon the street, shall be paid out of the general sewerage fund and for the amount chargeable to the lots or parcels of land, sewerage certificates shall be issued and signed by the city surveyor, substantially the same as in the case of grading certificates; and all provisions of this charter with reference to grading certificates

subsequent to their issue shall apply to such sewerage certificates.

SECTION 10 No private drain or sewer shall be connected with any public sewer, without the board of public works first issuing their written order or permit for such connection; nor shall any such order be made or permit granted, until there shall be paid therefor to the city treasurer by the person or persons applying for such permit or order, an amount to be fixed by said board, proportionate to the size of such private drain or sewer, but such sum shall in no case be less than three nor more than ten dollars for each drain or private sewer from any lot or parcel of a lot; provided, that no charge shall be made for the permit or order herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises, to be constructed at the cost and expense of such premises, or the owner or owners thereof. Any moneys paid to the city treasurer under this section shall belong to and be credited to the sewerage fund. No private sewer shall be connected with public sewer without permit.

SECTION 11. No person shall break open or make connections with any public sewer, except by the written order or permit and under the direction of the board of public works; and any person who shall do so, or shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain, or willfully injure any of the material employed or used, or intended to be employed or used in the construction of any sewer, or for sewerage purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned not to exceed three months. Penalty.

CHAPTER XIII.

POLICE DEPARTMENT.

SECTION 1. The mayor of Chippewa Falls shall *ex officio* be chief of police of said city, and together with such a number of police officers as he, with the approval of the common council, shall determine to appoint, constitute the police force. One of said policemen shall be designated and appointed as captain of police, and shall Police department.

be confirmed as such by the council. He shall, under the supervision of the mayor, have charge of and direct the other police officers, and see that the ordinances of the city are enforced. Within the scope of this provision the common council may, by ordinance, more fully define the powers of the captain of police.

Power of mayor and council.

SECTION 2. The mayor or common council may direct or detail any of the police officers to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor.

Duties of police.

SECTION 3. The members of said police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and good order and health of the city; they shall possess all the powers of constables at common law or by the laws of this state.

Officers of the peace.

SECTION 4. The mayor, or acting mayor, chief of police, the sheriff of Chippewa county and his deputies, each and every alderman, justice of the peace, peace officer and watchman of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all by-standers, and if any person, by-stander, military officer, or private shall refuse to aid in maintaining the peace, when so required, each such person shall forfeit and pay a fine not to exceed one hundred dollars, and costs, and in default of payment of such fine and costs, be committed to the county jail in and for said county, at hard labor, either within or without said jail, for the benefit of said city, for a period not exceeding six months, and, in case where the civil power may be required to suppress rioters and disorderly behavior, the superior or senior officer present, in the order above named in this section, shall direct the proceedings.

Duties of police officers.

SECTION 5. It shall be the duty of the captain of police and all police officers in and for said city, and they are hereby authorized and required, with or without warrant, to summarily arrest and take before the municipal judge in and for the county of Chippewa, or some court of competent jurisdiction, all persons guilty of violating any of the

provisions of this act, or any ordinance, by-law, resolution or regulation of the common council of said city, passed in accordance herewith, or which are now in force in said city, and to make complaint before the municipal judge against any such offenders, and the said municipal judge shall have power to hear, try and determine all complaints for such offences; provided, that when any person is arrested, as heretofore provided, it shall be lawful for such arresting officer to take and convey such person to the common jail of said county, or police station of said city, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of said officer to take such person before the municipal judge or court aforesaid, to be tried in the manner aforesaid; provided, however, that in computing the said period of twenty-four hours, Sundays shall be excluded.

Removal of police officers.

SECTION 6. All police officers shall be removed in the discretion of the mayor and common council.

Relating to special police.

SECTION 7. The term of service of all special police officers shall not last longer than the next meeting of the council after they are appointed. The action of the mayor in making the appointment shall be acted on by the council, and if not confirmed the mayor shall not again during his term of office reappoint the same person, if the failure to confirm is on account of the person appointed, and if the failure to confirm is not on account of the person, shall not thereafter during his term of office appoint special police in a like emergency. The failure to confirm shall not prevent the special police officer from obtaining his pay while actually and lawfully engaged under the first appointment. If the mayor shall violate the provisions of this section, he shall forfeit the sum of ten dollars as a penalty, and one dollar per day for each day he shall continue the violation.

CHAPTER XIV.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Disqualifications.

SECTION 1. No voter shall be eligible to hold more than one office under this charter at the same time.

Member of council shall not vote on any question in which he is interested.

SECTION 2. No member of the common council shall vote on any question, matter or resolution in which he shall be directly interested. This provision shall be so construed as to prevent any person engaged directly or indirectly in dealing in or vending spirituous, fermented or intoxicating liquors from voting on any resolution fixing the amount of license in such cases, or the limits within which such business may be carried on, or the granting or rejection of any application for license.

Members of council shall not be interested in any contract with city.

SECTION 3. No member of the common council shall be a party to, or interested in any job or contract with the city, and any contract with the city in which any such member may be so interested shall be null and void; and in case any money shall have been paid on such contract, the city may sue for and recover the amount so paid from the parties to such contract, and from members of the common council interested in the same.

Eligibility of officer.

SECTION 4. No person interested directly or indirectly, as principal or surety, in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

When office shall be decided vacant.

SECTION 5. If any member of the common council, or any officer of the corporation after his election or appointment, or while in office,

shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Penalty for collusion.

SECTION 6. If any member of the common council, or officer or agent of the city shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank notes, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods, or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate, or any valuable contracts in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract or other matter or proceeding pending before the common council, or in which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not more than three nor less than one year, or by fine not exceeding one thousand dollars, or both fine and such imprisonment, at the discretion of the court.

cil to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Duties of board of education.

SECTION 3. The board of education, shall, at its first regular meeting in June of each year, elect one of its members president, who shall preside at all meetings of the board and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall sign all orders drawn by the secretary for the payment of teachers' salary and janitor's wages, and other incidental and necessary expenses of said board of education, and, in suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions appropriating money, or the adoption of text-books the vote shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member shall request it; provided further, that in the absence of the president, the board shall elect a president *pro tempore*.

Meetings of said board—when held.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other time as they may deem necessary, when called together by the president or a majority of the members. All questions to be determined by the board shall be brought up for consideration at a general or special meeting by motion or resolution, and no such motion or resolution shall be adopted except by a vote of the majority of the members of the board.

Further duties of board of education.

SECTION 5. The duties of the board of education shall be as follows:

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher, and by the president and secretary of the board of education. Such contract shall be made in duplicate, and one copy thereof

filed with the secretary together with a copy of the teacher's certificate.

2d. To arrange and determine terms and vacations in all public schools, and to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

3d. To establish rules and regulations for the schools not in conflict with the constitution of this state.

4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school-houses; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc.; and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of said board. The board shall select one of their members as purchasing agent, and no purchases shall be made except by him, or when ordered by a majority vote of the board.

Board shall report to mayor.

5th. The board of education shall, on the first day of November of each year, submit a statement to the mayor and council of all the money disbursed by them during the year, and for what purposes the same was disbursed; and they shall at the same time submit for the consideration of the common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the council from taking into consideration the amount to be received from the county school tax during the ensuing year. The report of the school board shall be examined by the auditor as to receipts and disbursements, and placed before the council for action, the same as in case of other reports of officers to be examined by said auditor.

Relating to repair and erection of school-houses.

SECTION 6. Whenever repairs to a larger amount than four hundred dollars shall in the opinion of the board be required for any one school-house, they shall cause a statement to be

made, showing the repairs required, and an estimate of the cost, to be laid before the mayor and council, and whenever, in their opinion, another school-house shall be necessary, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with an estimate of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a vote of two-thirds of the members of the common council of the city against the same, in which case such proposed repairs shall not be made, nor shall such a site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs, or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Duties of president and secretary of said board.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Members of board shall not be interested in any contracts.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Further duties of city clerk.

SECTION 9. The city clerk of the city of Chippewa Falls shall, in addition to his other duties, act as secretary of the board of education, unless the board should elect a clerk, which they are empowered to do.

CHAPTER XVI.

MISCELLANEOUS.

Surveys to be made and land-marks established.

SECTION 1. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharfs and blocks, and may cause to be established such permanent land-marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of register of deeds of the county of Chippewa.

Surveys and land marks shall be prima facie evidence.

SECTION 2. The surveys and land-marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharfs and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state.

City may hold and purchase real and personal property.

SECTION 3. The city may purchase and hold real and personal estate sufficient for the public use of the inhabitants thereof, and may sell and convey the same, and the same, while owned, occupied or held by said city, shall be exempt from taxation.

Regarding the subdivision and platting of lots.

SECTION 4. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract into city lots, shall, in platting the same, cause the streets and alleys in such plats to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or plat so platted; and before making such plat, as required by law, it shall be the duty of such person or persons or corporations making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council the said person or persons or corporations may cause said plat or plats to be recorded according to law; but except such plats be approved by resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such

plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plats for record or to record the same; and the person or persons neglecting or refusing to comply with the requirement of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

When city deeds or leases any real estate.

SECTION 5. When the city of Chippewa Falls deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases—how signed and sealed.

SECTION 6. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to the said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged so as to entitle it to record under the laws of this state.

Elections when not held at time prescribed.

SECTION 7. If any election by the people for common council shall for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election or organization may be had at any subsequent day by order of the council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city are to be done by any officer at any specified time, and the same are not then done or performed, then the common council may appoint another time at which said action may be done and performed.

SECTION 8. Any officer removing from the city, or any ward officer removing from the ward for

which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. When office shall be declared vavant.

SECTION 9. The mayor shall have the power to suspend any police officer from duty, and any officer so suspended shall not have any pay or compensation during such suspension, until the council shall take up his case and dispose of it, and with the approval of the common council may appoint as many special police officers and night watchmen as he may deem necessary for the welfare of the city, and in no case shall such special police officer remain on the police force for a longer time than twenty days, unless reappointed; and such special officers and watchmen shall have all the powers of constables within the city of Chippewa Falls. Mayor may suspend police officer.

SECTION 10. The offices of mayor and councilman shall be filled by their incumbents without fee or salary, or compensation for any services. Salary.

SECTION 11. All the ordinances of said city shall be revised by the city attorney, and adopted by the common council, together with such new ordinances as may be deemed necessary, within three months after the passage of this act. The board of public works shall, within the same time, at the expense of the city, cause to be written out at length a careful explanation and statement of the established grades and streets and sidewalks in said city, so as to show, so far as practicable, to any non-expert reading the same, the said grade, with reference to each parcel of land fronting on any street in said city. The said board of public works shall then, at the expense of the city, cause the city charter, by-laws and ordinances, and said explanation of the grade, to be printed in convenient book form, and at least five hundred volumes of the same furnished to the city. Any city officer shall be entitled to a copy of the same for use during his term of office. The city council shall furnish a copy of the same to any person not a city officer at not more than one dollar for such copy. Ordinances shall be revised and adopted by common council.

SECTION 12. All acts and parts of acts inconsistent and conflicting with the provisions of this

plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plats for record or to record the same; and the person or persons neglecting or refusing to comply with the requirement of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

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Deeds and leases—how signed and sealed.

SECTION 6. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to the said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged so as to entitle it to record under the laws of this state.

Elections when not held at time prescribed.

SECTION 7. If any election by the people for common council shall for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election or organization may be had at any subsequent day by order of the council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city are to be done by any officer at any specified time, and the same are not then done or performed, then the common council may appoint another time at which said action may be done and performed.

SECTION 8. Any officer removing from the city, or any ward officer removing from the ward for

which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. When office shall be declared vavant.

SECTION 9. The mayor shall have the power to suspend any police officer from duty, and any officer so suspended shall not have any pay or compensation during such suspension, until the council shall take up his case and dispose of it, and with the approval of the common council may appoint as many special police officers and night watchmen as he may deem necessary for the welfare of the city, and in no case shall such special police officer remain on the police force for a longer time than twenty days, unless reappointed; and such special officers and watchmen shall have all the powers of constables within the city of Chippewa Falls. Mayor may suspend police officer.

SECTION 10. The offices of mayor and councilman shall be filled by their incumbents without fee or salary, or compensation for any services. Salary.

SECTION 11. All the ordinances of said city shall be revised by the city attorney, and adopted by the common council, together with such new ordinances as may be deemed necessary, within three months after the passage of this act. The board of public works shall, within the same time, at the expense of the city, cause to be written out at length a careful explanation and statement of the established grades and streets and sidewalks in said city, so as to show, so far as practicable, to any non-expert reading the same, the said grade, with reference to each parcel of land fronting on any street in said city. The said board of public works shall then, at the expense of the city, cause the city charter, by-laws and ordinances, and said explanation of the grade, to be printed in convenient book form, and at least five hundred volumes of the same furnished to the city. Any city officer shall be entitled to a copy of the same for use during his term of office. The city council shall furnish a copy of the same to any person not a city officer at not more than one dollar for such copy. Ordinances shall be revised and adopted by common council.

SECTION 12. All acts and parts of acts inconsistent and conflicting with the provisions of this

act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into or performed, commenced, or that may exist under or by virtue of or in pursuance of the said acts, or any former acts incorporating said city, or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1885.

[No. 280, S.] [Published April 1, 1885.]

CHAPTER 195.

AN ACT to amend chapter 36, laws of 1882, entitled, "an act to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate limits amended.

SECTION 1. Amend section 3, of chapter 1, by substituting the word, "six" for the word, "five" in the second line; and by inserting the word, "west" before the word, "south" in the eleventh line; and by inserting the words, "of Blount street and" after the word, "centre" in twelfth line; and by striking out the words, "and Winnebago road" in thirteenth line; and by adding to said section and at the foot thereof the words, "and all that part of the city lying south and east of a line drawn through the center of Blount street and Washington avenue and Winnebago road shall constitute and be known as the sixth ward." The common council may by ordinance create two or more election districts in any of the wards of the

city whenever they shall deem the same necessary," so that said section when amended shall read as follows:

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The city of Madison shall be divided into six wards, as follows, to wit: All that part of the said city lying north and west of lines drawn through the center of Wisconsin and Washington avenues, Washington street and the Mineral Point road, as far as Francis street, shall constitute and be known as the first ward. All that part of said city lying north and east of lines drawn through the center of Wisconsin and Washington avenues and Winnebago road to the city limits shall constitute and be known as the second ward. All that part of the city lying west, south and east of a line drawn through the center of Blount street, Washington and Monona avenues, shall constitute and be known as the third ward. All that part of said city lying south and west of a line drawn through the center of Washington and Monona avenues, Washington street and Mineral Point road, shall constitute and be known as the fourth ward. All that part of said city lying west of Francis street, bounded north by the Fourth lake and south by the Mineral Point road, west by the city limits, shall constitute and be known as the fifth ward; and all that part of the city lying south and east of a line drawn through the center of Blount street and Washington avenue and Winnebago road shall constitute and be known as the sixth ward. The common council may by ordinance create two or more election districts in any of the wards of the city, whenever they shall deem the same necessary.

Senior aldermen.

SECTION 2. Amend section 8, of chapter 2, by inserting after the word, "elected," in the fourth line, the words, "The alderman who would have been senior alderman of the third ward, after the next annual election, had this act not been passed, shall become and be the senior alderman of the sixth ward," and by inserting after the word, "year," in the seventh line, the words, "except at the next annual election, there shall be elected in the third ward, as created by this act, three aldermen, two for one year and one for two years," so

that said section, when amended, shall read as follows:

CLASSIFICATION OF ALDERMEN.

Classification of aldermen.

Section 8. The aldermen of each ward, who are now in office, shall continue in office until the expiration of the terms for which they were respectively elected. The alderman who would have been senior alderman of the third ward after the next annual election, had this act not been passed, shall become and be the senior alderman of the sixth ward; and there shall be elected annually, on the first Tuesday in April, in each ward, one alderman, who shall hold his office for two years, and one alderman, who shall hold his office for one year; except there shall be elected at the next annual election in the third ward, as created by this act, three aldermen, two for one year and one for two years. The alderman in each ward having the highest number of votes shall be the alderman for two years.

Amended.

SECTION 3. Amend section 6, chapter 3, by striking out the words "said" in the sixth line and "each ward" in the seventh line and inserting in lieu of the said last mentioned words, the words, "the city," and by striking out the word, "ward" in the eleventh line so that said section, when amended shall read as follows:

CHIEF OF POLICE — POLICEMEN — THEIR DUTIES.

Chief of police —policemen.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collections of fines and license moneys. He shall possess the power of a constable at common law, or by the laws of this state, and receive like fees. The policemen of the city shall be under the control and direction of the mayor and chief of police and shall have all the powers and perform all the duties of a constable, under the laws of the state of Wisconsin; provided, that the chief of police and policemen shall not go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or issuing such process, arise within the city.

SECTION 4. Amend section 13, chapter 3, by

substituting the word, "six" for the word, "five" in the eighth line, so that said section, when amended, shall read as follows:

DUTIES OF ASSESSORS.

SECTION 13. The assessors so elected shall assess all the taxable property of the city of Madison, as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding the sum of six hundred dollars for the term for which he was elected. Duties of assessors.

SECTION 5. Amend sub-section 1, of section 3, of chapter 4, by inserting after the word, "saloons," in the fourth line, the words, "and to license and regulate the running of steamboats on lakes Monona and Mendota," so that said section, when so amended, shall read as follows: Steamboat licenses, section amended.

LICENSE SHOWMEN, ETC.

1. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables and bowling saloons; and to license and regulate the running of steamboats on lakes Monona and Mendota; and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of September next following in each year. Section 6. Amend sub-section 5, of section 3, of chapter 4, by inserting after the word, "lakes," in the fifth line, the words, "or Catfish, or whenever the use or occupation of the same becomes injurious to the public health, in the License showmen, etc.

judgment of the common council;" so that said sub-section, when amended, shall read as follows:

LOCATE SLAUGHTER-HOUSES.

Locate slaughter-houses.

5. To direct the location and management of slaughter-houses and markets, and to prevent the erection of and use or occupation of the same, where the offal or filth thereof shall discharge into the waters of the lakes or Catfish; or whenever the use or occupation of the same becomes injurious to the public health in the judgment of the common council; and to establish rates for, and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same or other explosive materials.

Respecting the veto of mayor.

SECTION 7. Amend section 4, chapter 4, by inserting after the word, "force" in the eleventh line the words, "provided that any resolution or ordinance requiring the signature of the mayor may be passed over his veto, by a vote of five-sixths of all the members elected to the common council," so that said section when amended shall read as follows:

APPROPRIATIONS — DEBT — VETO — ORDINANCES TO BE PUBLISHED.

Appropriations, debt, veto, etc.

SECTION 4. No appropriation shall be made or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against, or a liability incurred by the city, shall be approved by the mayor before the same shall be in force; provided, that any resolution or ordinance requiring the signature of the mayor, may be passed over his veto by a vote of five-sixths of all the members elected to the council; provided further, that any resolution or ordinance passed by the council shall become a valid resolution or ordinance as if signed by the mayor unless at or before the next regular meeting of the council after

such passage it shall be returned to the council by the mayor with a statement in writing that he refuses to give his consent thereto and giving his reasons therefor in writing, and all ordinances shall be published in a public newspaper printed in the city of Madison, to be selected by the common council before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

Amended.

SECTION 8. Amend section 5, of chapter 6, by inserting the word, "twenty" before the word, five in the twenty-fifth line, so that said section when amended shall read as follows:

COUNCIL MAY ORDER BUILDING OF SIDEWALKS.

Building of sidewalks.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Madison, in such manner as it may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the superintendent of streets, will not cost to exceed the amount of twenty-five dollars, in front of any one lot to

repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot or piece or parcel of land, if a resident of the city of Madison, for payment; and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Madison, the said superintendent shall return the said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided: no order for the original construction of any sidewalk shall be held valid, unless the owner of the property to be taxed therefor, if a resident of the city, shall have two weeks previous notice, in writing, of the proposed action of the council before such action is taken, and whereby such resident owner may be heard by the council, if objecting thereto, and such notice to be served by leaving the same at his usual place of abode, by some officer of the city, to be designated by the council.

SECTION 9. Amend section 10, of chapter 6, by striking out the word, "sewers" in the second line, and by striking out the words, "sewers and" in the thirteenth line and by striking out the words, "sewers or" in the sixteenth line, and by striking out the words, "sewers or" in the seventeenth line, and by striking out the words, "sewers or" in the twentieth line. So that said section when amended shall read as follows:

COSTS OF STREET IMPROVEMENTS.

SECTION 10. The cost and expenses of survey-

ing streets, alleys and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part, by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine, or out of the general fund; gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said gutters shall be constructed; provided, however, that when gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such gutters may be constructed; and provided further, that in all cases when improvements, or work of any kind, are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground. Costs of street improvements.

SECTION 10. Amend section 17, of chapter 7, by inserting after the word, "sidewalks" in third line the words, "sewers and gutters," and adding at the end thereof the words, "unless otherwise ordered by the common council," so that said section when amended shall read as follows: Amended.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

SECTION 17. All real estate not exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks, sewers and gutters, and improvement of streets in front of the same, unless otherwise ordered by the common council. No property exempt from special tax.

SECTION 11. Amend section 4, of chapter 8, by striking out the words, "firewarden" in title, and substituting the word, "one" for "two" in second line, and the word, "engineer" for "engineers" in the third line, and by striking out the words, "and one fire warden for each ward" in the third and Amended.

fourth lines so that said section when amended shall read as follows:

ENGINEERS.

Engineers.

SECTION 4. The common council, at its regular meeting in March in each year, shall elect one chief engineer and one assistant engineer of the fire department, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same and with a view to guard against fire.

Amended.

SECTION 12. Amend section 5, of chapter 8, by striking out the words, "firewarden" in second line, so that the said section when amended shall read as follows:

ARREST FOR DISOBEDIENCE OF ORDER.

Arrest for disobedience of order.

SECTION 5. When any person shall refuse to obey any lawful order of any engineer, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe not exceeding fifteen dollars.

Amended.

SECTION 13. Amend section 9, chapter 9, by inserting after the word, commisssioners, in ninth line, the words, "in addition to the mayor, who shall be a member of said board *ex officio*, and one alderman, to be elected by the common council annually at its first regular meeting." So that said section, when amended, shall read as follows: Section 9. It shall be the duty of the common council, and it is hereby empowered, from time to time, to pass such ordinances as may be deemed necessary and expedient for the management

and protection of said water-works, and regulating and controling the supply and use of water therefrom; and the common council is hereby empowered, when it shall deem it for the best interests of the city, to appoint a board of three water commissioners, in addition to the mayor, who shall be a member of said board *ex officio*, and one alderman, to be elected by the common council annually, at its first regular meeting, to take the entire charge and management of said water-works to appoint a superintendent and other employes, and fix their compensation, and to supervise and control the supply and distribution of water throughout the city, and generally to discharge the duties imposed upon the common council by this chapter, under the general control and supervision of said council; but such commissioners shall receive no compensation for their services; provided, that nothing herein contained shall be construed as authorizing said common council to enter into any arrangement with any person or persons, or private corporation, for the erection or control of such water-works for the supply of water for said city of Madison.

SECTION 14. Amend said chapter 36, laws of 1882, by inserting therein in its proper order the following provisions as chapter 10 thereof and by numbering the present chapters 10 and 11, as chapter 11 and 12 respectively.

CHAPTER X.

ON SEWERAGE

SECTION 1. It shall be lawful for the common council to cause sewers and drains to be made in any part of the city, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore or hereafter constructed within said city, and in the manner hereinafter provided, to cause to be made estimates of the cost and expense thereof, and a just and equitable assessment of such costs and expense among the owners of all the buildings, houses and lots intended to be benefited thereby in proportion, all things considered, as nearly as may be, to the advantage which each shall be deemed to acquire thereby. One-half of such

Relating to sewerage.

costs and expense to be so assessed on the basis of the full area of the lots or pieces of land to be benefited, excepting as hereinafter provided.

Sewers and drains for public health.

SECTION 2. Whenever the common council shall deem it necessary for the public health to cause to be constructed sewers or drains in any portion of the city, they shall make an order to that effect, which shall be entered in their minutes, specifying with reasonably particularity the specific portions to be sewered or drained; which order shall be published in the official paper of the city, daily for seven successive publications of the paper, and all parties interested, who shall appear, shall have a hearing before the common council at such time as shall be appointed in said notice.

How the work shall be proceeded with.

SECTION 3. If, after such hearing the common council shall determine to proceed therein, it shall thereupon direct the city surveyor or engineer or other competent engineer, to make or cause to be made the necessary surveys, plan and specifications of the work so ordered, which work he shall make conformable, as near as practicable, to a general system of sewerage for the city and into which when so requested by the owners and so directed by the council, he shall incorporate as a part thereof any existing sewer or drain, so far as the same is or judiciously can be made applicable thereto. Such surveys, plans and specifications shall include the entire district or tract of country designated in the order of the common council, and such other property, if any, as shall by him be deemed to be benefited thereby, and such plan shall show the location, size, direction and grade of such sewers or drains, with the location and size of openings and all other matters essential to the construction of proper sewers or drains, together with the boundary lines of such district, so modified and the number of each lot or piece of real estate therein, and as far as can be ascertained, the names of the owners thereof, respectively, which plan and specifications shall be drawn with such particularity and certainty as to form a correct and intelligent basis for estimates of costs for the work so ordered and for the assessment hereinafter provided for.

Filing of plans and specifications.

SECTION 4. Such plan and specifications shall be filed by such surveyor or engineer in the office of the city clerk, and notice of such filing shall

forthwith be given by such clerk in the official paper of the city and be published daily for seven successive publications of such paper. After such filing and notice, the common council may, after hearing all persons interested who may appear before them, adopt or reject such plan and specifications; and in case the same shall be adopted, the common council shall thereupon advertise in the official paper of the city for proposals for doing the aforesaid work, daily, for seven successive publications of such paper, which proposals shall be opened by the common council at their next regular meeting after such advertisement, or at a special meeting to be called therefor, and in case it shall then be finally determined that the work of any part thereof shall be made, the common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the buildings, houses and lots to be benefited as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have the power to reject any or all bids, and may require such contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contracts, when approved by the council, to be executed by the mayor and countersigned by the city clerk. The work shall all be done under the direction and supervision of the engineer aforesaid.

Estimate of costs to be made.

SECTION 5. Thereupon an estimate of the entire cost and expense of the work, including the contract price, titles to, or easements in lands necessary for the purposes of such improvement, and the cost and expenses of the proceedings necessary to the laying out of such sewer or drain shall forthwith be made; and forthwith such estimated cost and expenses shall be assessed, justly and equitably, upon the buildings, houses and lots intended to be benefited thereby, appearing in said plan as finally perfected, in proportion, all things considered, as nearly as may be, to the advantage which each shall be deemed to acquire; one-half of such cost and expense, however, is to be so assessed on the basis of the full area of the lots or pieces of land to be benefited, excepting that where existing sewers are utilized, such assessments shall be made just and equitable, all things considered.

Should the amount so assessed prove to be more than sufficient, the excess shall be applied to the payment of the taxes (assessed against such buildings, houses and lots, or pieces of land ratably) falling due next after such excess shall have been ascertained. If the estimated sum shall prove insufficient, the deficiency, when ascertained, shall be re-assessed upon the buildings, houses and lots, or pieces of land of such district ratably, as aforesaid. Such estimate and assessment shall be certified in writing, and being confirmed as hereinafter provided, shall be binding and conclusive upon the owners of such buildings, houses and lots, or pieces of land, so to be assessed, respectively and shall be a lien or charge upon such buildings, houses and lots, or pieces of land, as aforesaid, and the sum so assessed when paid, shall be applied to the payment of the cost and expense as aforesaid, and in case of re-assessment for deficiency, the same shall in like manner be certified, and when confirmed, shall be binding, and conclusive upon the owners of such property, so to be assessed, and shall be a like lien and charge on such property, and the sum so assessed when paid, shall be applied in the same manner. The contractors for the construction of sewers aforesaid, shall receive in payment for the work done by them, the price agreed to be paid therefor, exclusively from said assessments and re-assessments so to be made, when collected. The city treasurer, unless other appointment be made by the council, shall be the person to receive such assessments.

Board of assessors—how constituted.

SECTION 6. The city surveyor or engineer, the city assessor, and three skillful and competent disinterested freeholders of said city to be nominated by the mayor and confirmed by the council, shall constitute a board to be known as the "board of assessors" and who shall be charged with the duty of making the estimates, assessments and re-assessments required by this act for the construction of sewers or drains, or amending, repairing, or altering the same. Whenever the construction of a sewer or drain shall be determined upon by the council, it shall be the duty of the mayor to nominate suitable persons to the council for confirmation as assessors. The assessors so nominated and confirmed to be desig-

nated for their respective terms, shall hold their offices one for the term of one year, one for the term of two years, and one for the term of three years, each from the first Saturday of October of the year in which they are appointed, and until their respective successors are appointed. It shall be the duty of the mayor on the termination of the terms of offices of the respective assessors aforesaid to nominate to the council for confirmation their successors to hold for the term of three years thereafter, and until their successors be appointed. In case any member of the said board of assessors shall be interested in any property to be affected by any proceeding under this chapter, he shall thereby be disqualified from serving upon such board in such particular proceeding. In such case other persons in like manner shall be nominated and confirmed to act temporarily in such proceeding. In case any of the permanent members of said board shall refuse to serve, or be removed by the common council for any cause deemed by them sufficient, then other such disinterested freeholders, to fill the vacancies so occasioned, shall be nominated by the mayor and confirmed by the common council. The said persons constituting the said board of assessors, before entering upon the performance of the duties of their appointment in each of the proceedings under this chapter, shall severally take and subscribe an oath or affirmation before the city clerk, or some other person authorized by law to administer oaths, that they are not interested in any property to be affected by such proceeding, and that they will faithfully perform the trust and duties required of them by law, which oath or affirmation shall be filed in the office of the city clerk.

Expense to be a lien on property.

SECTION 7. It shall, and may be lawful for the common council, in all cases where they may deem it necessary for the more speedy execution of, with reference to sewers or drains, or any of them which the said council are authorized to make, to cause all such work as may be necessary for the purposes specified in this chapter, or any part thereof, to be executed and done at the city's expense, on account of the property respectively, upon which the same may be assessed. The amount of every such expense which the

common council shall pay, as aforesaid, on account of others, shall be a lien like other taxes upon the buildings, houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid, and the same may be recovered, or the payment thereof, with costs enforced like other taxes, upon the said buildings, houses and lots, which may be sold for any such assessment thereon. Any person may pay to the city treasurer, such sum as may be assessed against any property under and by virtue of this chapter and receive a receipt therefor, and such a receipt shall operate as a discharge of any and all liens existing against such property or any part thereof in consequence of such assessment.

Abstract of estimate to be deposited.

SECTION 8. The said board of assessors after completing their said estimate and assessment, shall deposit with the clerk of said city an abstract of their estimate and assessment, or a copy of their full report, at least twenty days before such report shall be presented to the common council for confirmation, which abstract shall be accompanied by a copy of the diagram referred to by said assessors in their report, and in which diagram and report they may refer to the lots thereon and thereby indicated by their numbers, and state the several sums respectively estimated for, or assessed upon each of said lots or parcels of land, with the name or names of the owners of each so far as ascertained by said assessors. Upon depositing their abstract of estimate and assessment or copy of report as aforesaid the said board of assessors shall cause to be published daily in the official paper of said city for seven successive publications a notice stating that such abstract or copy of report has been so deposited with the city clerk, and their intention to present their report for confirmation to the council at a time and place to be specified in said notice, and that all persons interested in such proceedings, or in any of the lots or lands affected thereby, having objections thereto, shall file the same in writing with the said assessors within twelve days after the first publication of said notice, and that the said assessors will hear such objections within the five days next after the expiration of said twelve days

specifying therein the place, day, and hour of such hearing.

Objections to be stated in writing.

SECTION 9. Any person or persons whose rights may be affected by the said estimate and assessment, and who shall object to the same or any part thereof, may, within twelve days after the first publication of said notice, state his, her or their objections, so made, in writing to the said assessors, which statement shall not be received by the assessors unless verified by his, her or their affidavit, or the affidavit of other persons, or both, and it shall be the duty of said assessors in all cases to transmit to the common council, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid. After considering said objections, if any, and making any correction or alteration of their estimate or assessment, which said assessors shall find to be just and proper, they shall prepare duplicate copies thereof, one of which shall be deposited with the clerk of said city at least three days before the time specified in said notice for presenting the report to the common council for confirmation, and shall be open to the inspection of all persons interested therein free of charge, and the other of which shall be presented by the said assessors to the common council at the time and place specified in said notice.

Of what the report shall consist.

SECTION 10. The said report shall consist of said diagram duly corrected, when necessary, with a tabular abstract of said estimate and assessment, with any corrections or alterations thereof by said assessor, and shall refer to the numbers of lots and parcels as indicated by said diagram, and state the several sums respectively estimated for or assessed upon each of said lots or parcels with the name or names of the owner of each, if ascertained by said assessors. It shall not be necessary in said report to describe any of the said lots or parcels by metes and bounds but only by reference to said diagram.

Duties of assessors when deposit is presented.

SECTION 11. On the presentation of said report, prepared by said assessors the common council after hearing any matter that may be alleged against the same, may either confirm the said report or refer the same to the assessors for revisal and correction or to new assessors to be

appointed, as aforesaid, to reconsider the subject matter thereof, and the said assessors to whom the report shall be so referred, shall return the same report corrected and revised or a new report, to be made by them in the premises, to the common council, without unncessary delay, and the same on being so returned shall be confirmed, or again referred by the said common council in manner aforesaid, as right and justice shall require; and so from time to time until a report shall be made or returned in the premises which the said common council shall confirm. In case any one or more of the persons affected thereby shall be dissatisfied with the said report so confirmed by the common council, he may within ten days after such confirmation appeal therefrom to the circuit court for the county of Dane, by serving a notice of such appeal on the city clerk, stating the portions of such report from which he appeals and his reasons therefor, together with an undertaking with two sufficient sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs and expenses which shall be adjudged against the appellant by the court. In case of several such appeals all shall be heard at once. It shall be competent for said court on such appeals to enter an order for trial, stating distinctly and plainly the questions of fact to be tried, whereupon the same shall be tried in the usual manner or to refer the said report for examination, adjustment and report, to three or more assessors to be by the court appointed with instructions as to the rules governing their action all as in its opinion justice shall require. When such report shall be confirmed by the common council from which no appeal be taken, or be confirmed by the circuit court after appeal taken, the same shall be final and conclusive as well upon the said city as upon the owners, parties and persons interested in the lands mentioned in the said report, and also upon all other persons whomsoever. In case any one or more of the parties appealing to the circuit court, from the confirmation of the report made by the common council shall not succeed upon his appeal, the costs and expenses of such appeal and of the reference rendered thereby necessary to be determined, and in

case of more than one appeal to be apportioned by the said court, shall be paid by such unsuccessful appellant or appellants. The work of constructing any sewer or drain under the provisions of this chapter may be undertaken on or at any time after the confirmation by the common council, of the report of the board of assessors whether therefrom appeal be taken or not.

Compensation to be allowed to assessors.

SECTION 12. The said assessors while actually engaged in the discharge of their said duties, may be allowed by the common council such compensation not exceeding three dollars for each day's actual work as the common council shall deem proper and for such necessary expenses attending the discharge of their duties, including the employment of competent assistants when necessary at no greater per diem as in the opinion of the common council shall be proper. All such expenses, together with the costs and expenses incurred in re-reference to the assessors and on appeals when not chargeable to the appellants, shall be included in the said estimate as a part of the cost of the work.

Portion of the expense may be borne by the city.

SECTION 13. It shall also be lawful for the common council to cause such portion of the estimated cost of the construction, altering or amending of sewers or drains as aforesaid, or any of them, as it shall designate, to be borne by the city, and the balance to be assessed upon the buildings, houses and lots indicated to be benefited thereby as it shall deem proper.

Repealing section.

SECTION 14. All acts or parts of acts inconsistent with or contravening any of the provisions of this act are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1885.

[No. 420, A.] [Published March 31, 1885.]

CHAPTER 196.

AN ACT to amend section 5, of chapter 3, and section 1, of chapter 16, of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, approved March 10th, 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section 5, of chapter 3, of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the several acts amendatory thereof, is hereby amended by striking out all of said section after the words, "acts of such assistant," in the last part of said section.

Amended. SECTION 2. Section 1, of chapter 16, of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the several acts amendatory thereof, is hereby amended by inserting in said section after the words, "to the city attorney four thousand dollars," the words, "to the assistant city attorney eighteen hundred dollars."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1885.

[No. 224, A.] [Published April 3, 1885.]

CHAPTER 197.

AN ACT to reduce the laws incorporating the city of Hudson, in the county of St. Croix and the state of Wisconsin, and the several acts amendatory thereof, into one act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Corporate name.

SECTION 1. All the district of country in the county of St. Croix, contained within the limits and boundaries hereinafter designated, shall be a city by the name of "Hudson," and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation by the name of the "City of Hudson;" and by that name shall sue and be sued, complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and the authorities thereof shall have perpetual succession.

Limits and boundaries.

SECTION 2. The district of country aforesaid constituting the "City of Hudson," and the limits and boundaries thereof, shall be as follows: The north half of fractional section number thirty-six, all of fractional section number twenty-five, and so much of fractional section number twenty-four as lies south of Willow river, all in township number twenty-nine north, of range number twenty west.

Ward boundaries.

SECTION 3. The said city shall be divided into three wards, called first, second and third, limited

and bounded as follows: All that portion of said city lying south of a line drawn through the center of Walnut street, from the western to the eastern boundary of said city shall constitute the first ward; all that portion of said city lying north of said line and south of a line drawn through the center of Myrtle street from the western boundary of said city to the center of Ninth street, and a line drawn through the center of Filmore street from the center of Ninth street to the eastern boundary of the city shall constitute the second ward; and all that portion of said city lying north of the second ward shall constitute the third ward.

CHAPTER II.

ELECTIONS.

Elections.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday of April, of each and every year, at such place in each ward as the common council shall designate, and the polls of election shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days' previous notice shall be given, by order of the common council, of the time and place of holding such election, and of the officers to be elected thereat.

Officers to be elected.

SECTION 2. The elective officers in said city shall be a mayor, treasurer, assessor and police justice. Each ward shall elect three aldermen, one justice of the peace, one county supervisor, two school commissioners and one constable. All other officers necessary for the management of the affairs of said city shall be appointed by the common council. The aldermen of each ward who are now in office, shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually, on the first Tuesday of April, in each ward, one alderman, who shall hold his office for three years. The mayor, treasurer, assessor and aldermen, and all city officers shall be qualified voters and residents of the city and in the ward for which they were elected or appointed. The mayor shall hold his office for one year and until

his successor is elected and qualified. The police justice shall hold his office for two years and until his successor is elected and qualified. The city treasurer and assessor shall hold their offices for one year and until their successors are elected and qualified. The justice of the peace and constable of each of said wards shall hold their offices for two years and until their successors are elected and qualified.

Elective or appointed officers may be removed.

SECTION 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected; but no officer shall be removed except for cause, nor unless first furnished with or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defense. The common council shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses, and the production of papers, and to hear and determine the case; and shall have power to adjourn said trial from time to time, as the case may require; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

Vacancies—how filled.

SECTION 4. When a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections—how to be conducted.

SECTION 5. All elections by the people shall be by ballot, and each ballot shall contain the names of all the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes

for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they direct.

Regarding persons entitled to vote and judges of elections.

SECTION 6. All persons entitled to vote for state and county officers, and who shall have resided for ten days next preceding the election in the ward where they offer their vote, shall be entitled to vote for any officer elected under this law. The aldermen in each ward shall be judges of election in their respective wards, and shall appoint two qualified electors of each ward respectively, who shall be clerks respectively. Said election shall be held and conducted in the same manner and under the same penalties as required by the laws of the state regarding elections, except that the returns for all city elections shall be made to the city clerk. The votes for mayor and all elective officers shall be on one ballot, and shall be deposited in one box, and all other questions submitted to the people at the city elections shall be on separate ballots and deposited in separate ballot-boxes.

Relating to special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner, as general and annual elections and within the time prescribed.

When office shall be declared vacant.

SECTION 8. Any officer removing from the city or ward for which he was elected, or any officer elected at the annual election, who shall neglect or refuse to qualify on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy, who shall neglect or refuse for ten days after notice of his election to qualify, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

Terms of officers elected.

SECTION 9. The term of every officer elected under this law, except to fill a vacancy, shall commence on the first Monday of May in the year of which he was elected, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

Council may order new election.

SECTION 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common coun-

cil may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES.

Duties of persons elected.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe to an oath of office, and file the same duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, city attorney, street commissioner and poundmaster, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Hudson, a bond with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor.

SECTION 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and shall appoint all police officers and watchmen, and in case of riot or other disturbance he may appoint as many special or temporary police as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid may be discharged from office by him whenever in his opinion the welfare of the city may demand it or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and

such as he shall not sign he shall return to the common council with his objections thereto, by depositing the same with the city clerk, to be presented to the common council at their next meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such consideration, the common council shall pass the same by a vote of two-thirds, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Council to elect president and vice-president.

SECTION 3. At the first meeting of the common council in each year they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and shall discharge the duties of such president and shall act in his place. The president or temporary presiding officer, while presiding over the common council and performing the duties of mayor, shall be styled, "acting mayor," and acts performed by either, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor; but the president of the common council as acting mayor shall sign no order, warrant or proceeding whatever which the mayor has refused to sign and communicated such refusal to the common council. The mayor and aldermen of said city shall have the right to administer all oaths and affirmations required by this act.

Duties of city clerk.

SECTION 4. There shall be a clerk of said city styled the "city clerk," who shall also be comptroller of said city, who shall be elected by the common council, and hold his office at the council

chamber. He shall there keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations and take acknowledgments. It shall be the duty of the city comptroller to report to the common council the financial condition of the city. He shall make a list of all outstanding bonds, to whom issued, for what purpose and when and where payable, and the rate of interest they may respectively bear. He shall report annually on or about the first day of May, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first Monday of May. It shall be the duty of the comptroller to keep regular books of accounts, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, etc., which have been redeemed, and the amount of each outstanding, and to keep an exact account thereof, stating to whom and for what purposes issued, and the amounts thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amounts which they have received from all the different sources of revenue, and the amounts which they have disbursed under the direction of the common council. He shall, before the levy by the council of a special tax, report to the council a schedule of all the lots or parcels of land within the several wards, which under this act may be subject to any special tax or assessment, which it may be necessary to levy on such lot or parcel of land, which such schedule shall be verified by the affidavit of the

comptroller, and shall be *prima facie* evidence of facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. He shall examine the reports, books, papers, vouchers, and the accounts of the treasurer, and from time to time shall perform such other duties as the common council may direct. The comptroller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party.

Duties of city attorney.

SECTION 5. The common council shall have power to elect a city attorney, who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees. It shall be the duty of the city attorney to prosecute and defend all suits and actions originating and pending in any court of this state to which the city is a party, or in which, in the opinion of the common council, the interests of the city are brought into controversy or in which the official acts of any of its officers, servants or agents are involved. He shall draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the business of the city. He shall perform all such other services in the line of his profession, connected with the business of the city, though not herein specially enumerated. He shall attend the meetings of the council when requested by a majority thereof, or chairman of any of its committees. He shall keep a record of all legal opinions given by him in writing. He shall keep a book or docket, in which he shall enter an abstract of all suits pending and judgments in favor of or against the city of Hudson, in tabular form, substantially as follows: Names of parties, suits, when brought, in what court, nature of action, names of witnesses, proofs, etc., for the city; what steps taken at last term, what preparatory steps before the next term, amount of judgment, date of judg-

ment, date of execution, to what officer delivered, where returnable, judgment, when satisfied, remarks. He shall prosecute an appeal, writ of *certiorari*, or writ of error, in any case in which the city is concerned, when he shall see proper, and to make the necessary affidavits therefor, and in all cases of appeal, writ of *certiorari*, or writ of error, the mayor is authorized to procure, on behalf of the city, such securities as may be required by law, and the mayor, and such securities as may execute any appeal or other bond in behalf of the city, shall be kept harmless by the city therefor. He shall report to the common council within five days after the adjournment of each term of any court of records, in which any suit or suits may be pending, in which the city is a party or interested in the disposition thereof, and such other information as in his opinion may be for the interest of the city. In case of absence from the city, sickness, or other inability to attend court, he may at his own expense, with the approbation of the common council, appoint some person to act in his stead, for the occasion, in the city.

Duties of treasurer.

SECTION 6. The treasurer shall receive all moneys belonging to the city, including license moneys and fines, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk, and a copy of the same shall be published in the official paper of the city. The compensation of such treasurer shall not exceed three hundred dollars annually. And all the fees and percentage heretofore charged and collected by such treasurer, shall still be charged and collected by him, and when so collected, no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city; and the salary of such treasurer, as determined by the common council, shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the council may determine.

Duties to police and watchmen.

SECTION 7. All police officers and watchmen of said city shall be under the control and direction of the mayor, and shall possess the powers of constables at common law, or by the laws of this state, and it shall be their duty to execute and serve all warrants, processes, commitments, and all writs whatever, issued by the police justice for any violation of the laws of the state of Wisconsin, or of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice, in any part of this state, and when performing the duties of constables as aforesaid, shall be entitled to like fees.

Duties of street commissioner.

SECTION 8. It shall be the duty of the street commissioner to render his personal service and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city, under the direction of the common council and the committee on streets, in relation thereto, and perform such other duties as may be herein prescribed to be performed by street commissioners or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding three dollars per day for the time actually engaged in the discharge of his duties, and shall keep accurate accounts of all expenditures incurred in the discharge of his duties as the council may direct, and render monthly accounts thereof to the common council if required.

Duties of assessor.

SECTION 9. The assessor shall be a resident of said city, who shall perform all the duties required by law of assessors of property for the purpose of taxation for state, county, city and other purposes; the assessment rolls to embrace the property subject to taxation in each ward separately, and on the completion of such assessment, the assessment rolls, with the valuation of such assessor correctly footed up, shall be returned as required by law; that said assessor shall hold his office for the term of one year, and in case of vacancy in said office, by failure to elect or otherwise as heretofore provided, the common council shall fill such vacancy by the appointment of an assessor for said city at any regular or special meeting of the council, and shall receive such compensation

as the council, shall determine, not to exceed two hundred dollars per year.

Jurisdiction of police justice.

SECTION 10. The police justice shall have sole and exclusive jurisdiction to hear all complaints and conduct all criminal examinations and trials within the city cognizable before a justice of the peace, and of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, or of the laws of the state of Wisconsin; and in cases of contempt the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgements the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensaton as the common council may allow and prescribe. In case of vacancy in the office of the police justice, or the absence, inability or sickness of the police justice, the mayor by warrant may authorize any justice of the peace within the city to perform the duties of police justice, Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace; provided, that in case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or breach of the peace, or an affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars.

Powers of justice of the peace.

SECTION 11. The justices of the peace of said city shall have the jurisdiction and powers vested in justices of the peace by the general laws of this state so far as the same are not inconsistent with the provisions of this act; provided, that when any of said justices of the peace shall act as police justice of said city, he shall sign his name to all papers, process, writs and proceedings whatever, with the addition, "justice of the peace acting as police justice," and such signing shall be *prima facie* evidence in all courts of the absence from said city, or inability to act, of said police justice.

SECTION 12. The police justice elected under this act, or the justice of the peace acting as police

Further regarding police justice and justices of the peace.

justice, are authorized and empowered, in cases where a person be committed to the county jail of St. Croix county, or to the police station or watch-house of said city for a special term of imprisonment for the non-payment of any penalty and costs, for violating the ordinances of said city, to direct in the warrant of commitment or execution requiring imprisonment, that the person so to be detained by the virtue of such commitment or execution, be required to perform hard labor during the term of such imprisonment, The chief of police, or such person as the common council shall appoint, shall faithfully see that said conditions and requirements of said commitment or execution be complied with and observed, and to that end the common council is authorized and empowered to require all such persons so committed, to work or labor, or do any kind of labor in said city which the common council may see fit to designate; provided, that no such prisoner, during the term of his imprisonment or detention, shall remain away from the police station during the night-time.

Police justice shall report to council.

SECTION 13. The police justice shall, as often as she common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of St. Croix such fees in criminal cases as are allowed to other justices in the county for similar services.

Duties of city surveyor.

SECTION 14. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at the council chamber in said city, and the common council shall prescribe his duties and fix the fees and compensation of any service performed by him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of the city, and shall be carefully preserved and filed in the office of the city clerk, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over to his successor or

the common council at the expiration of his term of office.

Official paper.

SECTION 15. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper.

Duties of city printer after publishing notices, etc.

SECTION 16. The city printer, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published shall file with the clerk of the city a copy of such publication with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Penalty for refusing to deliver books, etc., to successor.

SECTION 17. If any person having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of said city a sum not to exceed one thousand dollars, and, in addition thereto, all damages caused by his neglect so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

Member of council shall not be interested in any contract with city—penalty.

SECTION 18. Every member of the common council of the city of Hudson, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, members of the board of registry, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the

full amount thereof shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Officers of the peace.

SECTION 19. The mayor or acting mayor, sheriff of St. Croix county, and each alderman, all justices of the peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose therefor may command the assistance of all by-standers, and, if need be, of all citizens; and if any citizen by-stander or person shall refuse to aid in maintaining the peace when so required, every such person, by-stander or citizen shall forfeit and pay a fine of not more than fifty dollars, and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order named in this section shall direct the proceedings.

Officer may resign his office.

SECTION 20. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the council.

Relating to bonds and sureties.

SECTION 21. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by the city charter provided.

CHAPTER IV.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances

shall be, "The common council of the city of Hudson do ordain, etc." The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen may constitute a quorum.

Annual meeting of council.

SECTION 2. The common council shall hold its annual meeting in each year on the first Monday of May after the annual election, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by notice to each member, to be delivered personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds of its members any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members may expel any member for cause.

Council to have control of the finances and property of the city.

SECTION 3. The common council shall have the management of and control of the finances and the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, intemperance, and for the benefit of the trade, commerce and health as it shall deem expedient. They shall have the power to establish and maintain a city prison and watch-house for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the police justice; to make all rules and regulations for the government and management of such prison and watch-house; to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keepers of such prison and watch-house shall have and possess all the powers and authority of jailors at the common law or by the laws of the state. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any

person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinance, resolutions or by-laws:

To license and regulate shows, etc

1st. To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and all places of amusement where an admittance fee is charged; and also to license and regulate all auctioneers, billiard tables, pool tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawnbrokers, insurance offices and insurance agencies, groceries, taverns, lager beer saloons, victualing-houses, and all persons vending, dealing in or diffusing of spirituous, vinous, malt or fermented liquors; provided, that this act shall not be so construed as to prevent pork packers from disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals or poultry raised or fatted by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be venders of fresh or butchers' meats under the provisions of this act.

To restrain and prohibit gambling, etc.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gaming in said city; and to restrain any person from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

To prevent disturbances.

3d. To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4th. To compel the owner or occupant of any

grocery, meat market, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy or any other unwholesome, nauseous house or place to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

To direct the location of slaughter-houses, etc.

5th. To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawnbrokers, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other explosive materials.

Incumbering of streets, etc.

6th. To prevent the incumbering of streets, alleys, sidewalks, lanes, public grounds or wharves with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, railroad cars or locomotives, awnings or other materials or substances whatever.

To prevent horse racing.

7th. To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

To restrain the running at large of cattle.

8th. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

Dogs.

9th. To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the muzzling or destruction of the same in a summary manner when at large contrary to the ordinance.

Relating to unwholesome substances.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid carcass or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Establish pounds, pumps etc.

11th. To make and establish pounds, pumps, wells, hydrants, cisterns and reservoirs, and to provide for and control the erections of water-

works for the supply of water to the inhabitants; to regulate and license hacks, drays, carts, omnibusses, and the charges of hackmen, draymen, cartmen, and omnibus drivers in the city; and to erect lamps and to provide for lighting the city; and to control the erection of gas-works or other works for lighting the streets, public grounds and public buildings, and create, alter, and extend lamp districts.

Regulate boards of health, etc.

12th. To establish and regulate boards of healths, provide hospitals and hospital grounds, pest-houses, the registration of births and deaths, and the returns of the bills of mortality, and to regulate or prevent the burial of the dead within the city limits.

Regulate the weight of bread.

13th. To regulate the weight of bread, and to provide for the forfeiture and seizure of bread baked contrary thereto.

Prevent persons from riding or driving on sidewalks.

14th. To prevent all persons riding or driving any horse, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

Prevent shooting of fire-arms.

15th. To prevent bonfires, the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying any citizen thereof.

Prevent obscenity.

16th. To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Restrain porters, runners, etc.

17th. To restrain and regulate porters, runners, agents and solicitors for boats, vessels, stages, carts, public-houses or other establishments.

Establish public buildings and markets.

18th. To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Regulate the weighing and selling of hay.

19th. To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of fire-wood, coal and lime, and

to appoint suitable persons to superintend and conduct the same.

20th. To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Obstructions of sidewalks.

21st. To control and regulate the construction of piers or wharves, or grading said wharves into Lake St. Croix, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the waters of said lake; and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any pier, wharf or landing within the limits of said city, and paid to said city, and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same. Construction of piers, wharves, etc.

22d. To regulate, control and prevent the landing of persons from boats, vessels or railroad cars whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said city, and not having a legal settlement or residence therein, by any boat, vessel, railroad car or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them into said city. Contagious diseases.

23d. To regulate the time, manner and place of holding auctions or vendues, together with the charges therefor. Auctions and vendues.

24th. To provide for watchmen, and to prescribe their number and duties, and to regulate the same; and to create and establish the police of said city, and to prescribe the number of po- Watchmen.

lice officers and their duties, and to regulate the same.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

Inspection of provisons.

26th. To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors, and provisions.

Inspection of building materials.

27th. To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Weighers and gaugers.

28th. To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

Ornamental trees.

29th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Abatement of nuisances.

30th. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city in a summary manner.

Protect public health.

31st. To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other cause, may have or shall become imminently dangerous to life and property, and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

Suppression of disease.

32d. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city limits.

Punish vagrancy.

33d. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Penalties, etc.

34th. Fines, penalties and punishments, imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred

dollars, and imprisonment in the city prison or county jail not exceeding six months, or both, and to be fed on bread and water, at the discretion of the police justice, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars.

35th. The common council of said city may provide by ordinance that any one convicted of an offense before the police justice, subjecting such offender to imprisonment under the charter and ordinance of said city, may be kept at hard labor during his term of imprisonment, at such work-house or upon the public streets and improvements of said city, or both; and may also provide by ordinance that anyone convicted of an offense before the police justice as aforesaid, and committed upon the non-payment of the fine imposed, may be kept at hard labor either in such work-house or upon the public streets and improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent their escape and insure proper discipline, and shall have power to establish a suitable work-house in said city for the purposes aforesaid, and under such regulations as the common council may provide; provided, that the common council aforesaid shall be and is hereby authorized to use the jail of St. Croix county as the work-house of the city of Hudson, provided for in this act, the prisoners of the city to be as at present in the custody of the sheriff of St. Croix county, except when employed upon the public streets and improvements of said city. Prison labor.

36th. To regulate and control the running of engines and cars through or into the city and the rate of speed of the same. Running of engines.

SECTION 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper, before the same How ordinances shall be passed.

shall be in force, and shall be admitted as evidence in any court in the state, without further proof; and they shall be recorded by the city clerk in books to be provided for that purpose. No appropriation shall be made without a vote of a majority of the common council present in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the council.

Shall not bar or hinder suits.

SECTION 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examination and adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, police justice, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said common council in the discharge of said duties, in pursuance of this section, or shall refuse or neglect to render his accounts or present the books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

FINANCES AND TAXATION.

Control of funds.

SECTION 1. All funds in the city treasury, belonging exclusively to the city, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to or tax or assessment levied by authority of the city except taxes levied for school purposes.

Shall not contract debts against city.

SECTION 2. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and a vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Annual tax levy.

SECTION 3. The common council shall have power to annually levy and collect as hereinafter provided, a tax upon all the property, real and personal, in said city, subject to taxation, to defray the current expenses of the city.

Issue of bonds, limit.

SECTION 4. For the purpose of providing a fund to meet the orders upon the treasury of said city, the common council of said city are authorized to issue the bonds of said city to an amount not exceeding ten thousand dollars, payable in not less than ten years from date, bearing interest not to exceed five per cent. per annum, payable annually, and to negotiate said bonds for the purpose aforesaid, and to provide for the payment of the interest, and for a sinking fund for the payment of the principal, by a tax to be levied and collected annually, as other taxes of said city.

CHAPTER VI.

OPENING STREETS, ETC., BY PETITION.

Opening streets, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys and to widen the same as follows: Whenever ten or more freeholders residing in any one ward shall, by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets or alleys or the enlarging, widening or straightening of the same the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to the petitioners, to be set forth in such petition, the common council may then by resolution, resolve to grant the prayer of such petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation, such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein described by metes and bounds, the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a district owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of St. Croix county for a jury to condemn and appraise the same.

Condemnation of land.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street commis-

sioner or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels, then the same shall also be published once in each week for three consecutive weeks in the official newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

Resolution to be filed with county judge.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of St. Croix county and not interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on the one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names one at a time alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view the lands and appraise damages, in the said proceeding, and

at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street commissioner or any policeman of said city at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in presence of a member of his family.

Jurors shall appear at the time and place named.

SECTION 4. The jurors summoned shall appear at the time and place named, and if any be excused by the county judge or fail to attend, he shall direct other qualified, disinterested persons to be forthwith summoned in their stead until twelve be obtained. The county judge shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands to be taken.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall sit before him to hear such competent evidence as shall be produced by any party; and for such purpose such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict in writing, signed by it, in which it shall find whether it be necessary to take such lands or any part thereof for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or apprisement of damages, specifying therein the damage to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages and shall sign the same. Any technical error in such consent may be immediately corrected with the consent of the jury, and shall be thereupon discharged and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be sum-

moned and sworn and shall proceed in the same manner.

Appeal when and how taken.

SECTION 6. Within twenty days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict, to the circuit court, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and if a part, what part, and therewith an undertaking, with two sufficient sureties, to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award of such owner, or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing, shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify, and the city clerk shall record all such proceedings.

Filing of appeal shall be considered an action pending.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained than the one appealed from; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

SECTION 8. If the verdict of the jury shall de-

In case the jury determine it is necessary to take such land.

termine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out, widening or straightening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceedings shall be paid by the city except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Damages may be assessed.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half, of such expenses as a tax upon such property as it shall determine is specially benefitted thereby, making therein a list thereof, in which shall be described, every lot or parcel of land so assessed, with the name of the owner thereof if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two weeks in the official newspaper published in said city, and a notice therewith that at a certain time therein stated, the said common council will meet at its usual place of meeting and hear all objections which may be made to said assessment or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify such assessments in whole or in part and shall adopt a reso-

lution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots or parcels of land in the tax roll, in addition to and as a part of all other city taxes therein levied on such land to be collected therewith.

CHAPTER VII.

CITY IMPROVEMENTS.

Power to establish grade of streets.

SECTION 1. The common council of the city of Hudson shall have power to establish the grade of the streets of the city of Hudson, and to change and re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damage by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but no suits shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Building and repair of sidewalks.

SECTION 2. The common council shall have power, by a vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Hudson, in such manner as it may deem proper. Sidewalks shall be constructed, reconstructed or repaired as near as may be upon the established grade of any street in said city, of such width, in such manner, of such materials, and such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. The common council shall require the street commissioner to notify the owner or owners of any such lot or piece of ground to make or repair such sidewalk at his own proper

cost and charge, by publication in the official paper for ten days. If such work is not done in the manner and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof shall be assessed upon such lots chargeable therewith by the street commissioner, and returnrd to the common council, and shall be entered in the next tax roll of said city, in the column headed "special tax," and collected in the same manner as other city taxes are, and shall bear a like rate of interest. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, is dangerous, and will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repairs, specifying the lot and block or piece or parcel of land, in front of which said work was done, and shall forthwith present the same to the owner of such lot or piece of land, if a resident of the city of Hudson, for payment: and if the owner of such lot, or piece or parcel of land shall refuse or neglect to pay for the same for ten days, the street commissioner shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, or piece, or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Hudson, the said commissioner shall return the said account to the common council, with his certificate, stating the fact, and the council thereupon shall levy a special tax to pay the same, in the manner in this section provided.

Costs and expense of surveying, repairing streets, sewers, etc., to whom chargeable.

SECTION 3. The costs and expenses of surveying streets, alleys, sidewalks and sewers, and estimating work thereon, repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the general fund of the city. Planking, grading, graveling, macadamizing or paving streets and alleys to the center thereof

shall be chargeable to and payable by the lots or parcels of land fronting on such street or alley within the line of improvement as far as the work extends; and the whole of the expense thereof shall be assessed upon such lots or parcels of land in proportion to their fronts thereon. Sewers and drains communicating with the main sewer and drains may be built by order of the common council through any street or alley, for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefited in such blocks, and being within the line of improvements; provided, that in all cases where improvements or work of any kind is chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city, in proportion to the width of the streets or alleys or public grounds. No grading, graveling, paving or macadamizing of streets or alleys to be done at the expense of lots fronting such improvements, and no sewer, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the common council except upon petition in writing of a majority of the owners of the property residing on the line of the proposed improvements, and chargeable therewith, unless by a two-thirds vote of the common council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner, with the assistance of the city surveyor, to examine the premises and report an estimate of the whole expense thereof, and the lots or parcels of land chargeable with the expense, and the owner's name, if known, and the proportion of the expense to be assessed to each lot or parcel of land, and in case of grading, graveling, paving or macadamizing a street or alley a proper grade, and the common council may adopt, revise, correct or remand the same with instructions upon such report being adopted; an accurate survey and profile of such grade shall be prepared by the city surveyor and filed in his office for record. The common council may thereupon order the said

work to be placed under contract upon such terms and under such regulations as they deem advisable, or order of the same to be done under the supervision of the street commissioner and the city surveyor. Where any work provided for in this section shall be completed, or the contract performed to the satisfaction of the street commissioner and the city surveyor, said street commissioner shall give notice by publication in the official newspaper of said city, for three weeks, that the expense thereof (in case of streets and alleys) will be assessed upon the lots or parcels of land fronting such streets or alleys within the line of such improvement in proportion to their fronts thereon, and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefited thereby (which lots shall be designated in the notice) will be assessed in proportion to their size or area. Any owner of such lots or parcels of land to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the street commissioner, showing, in case of streets and alleys, that his lot or lots or parcels of ground will not be benefited to the extent of the expense apportioned to such lot or parcel of ground, and that such assessment in his case would be unequal and unjust; which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The street commissioner shall thereupon require the chief of police to summon three disinterested freeholders of said city, and non-residents of the ward wherein such improvement is located, as commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper in said city at least five days before the time appointed for such commissioners to meet. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence the street commissioner shall require the chief of police to forthwith summon others to supply the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in ques-

tion, and shall have the power to hear the parties, and administer oaths and examine witnesses. It shall be their duty, as early as practicable, and within ten days from the time they entered upon their duties, to report to the street commissioner their decision in writing, accompanied by any testimony or proof, or the substance thereof, taken before them, and shall in each case determine whether such assessment (in case of grading, paving, graveling or macadamizing streets and alleys) would be unequal and unjust, and whether, and how much, the same will exceed the benefit, and (in case of sewers) whether the lot or lots in question will be drained or benefited by the sewer, and thereupon what abatement or exemption, if any, should be allowed. The street commissioner shall thereupon complete his assessment for such improvement making the necessary abatement or exemptions, in accordance with the report of the commissioners, and the amount deducted for such abatement shall be assessed upon the other lots or parcels of land chargeable with the expense aforesaid in the manner before prescribed. Such assessment, when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for the confirmation thereof, of which notice shall be given in the official papers of the city. Upon the confirmation thereof, such assessment shall become a lien upon said premises and shall be levied and collected as other taxes and assessments.

Construction of wharves and piers.

SECTION 4. The common council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the St. Croix Lake, and shall have and exercise the same powers and control over the said lake and waters within the limits of the said city that they may possess over streets, alleys or highways, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering and maintaining such wharves, piers, grading and paving shall be paid out of the general fund of the city.

No error shall vitiate assessments.

SECTION 5. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter where the notices herein-

before provided shall have been given, and all assessments for work or expenses chargeable to the lots hereinbefore provided, shall be payable from the time of confirmation thereof by the common council; and the common council shall order the same to be entered in the annual tax roll (if not before paid) and collected as other taxes of said city.

Amounts shall be paid into the general fund.

SECTION 6. All amounts collected from assessments for improvements under this chapter shall be paid into the general fund of the city, and all contracts and claims for improvements chargeable to lots under this chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against the city; provided that during the progress of any work done under the provision of this chapter the common council shall have power to pay all contractors thereof not exceeding seventy-five per centum of the amount of such work reported to the common council by the street commissioner and city surveyor.

Vacating streets, alleys, etc.

SECTION 7. No street or alley, or part thereof, shall be vacated except upon petition of the owners of three-fourths of the front upon such street or alley; but the boundaries of streets may be changed upon petition to the council by the parties interested.

CHAPTER VIII.

ASSESSMENT, LEVYING AND COLLECTING TAXES.

Levy and collection of taxes.

SECTION 1. All property, real and personal, within this city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and payment of its debts and liabilities, and the same shall be assessed and the taxes thereon herein as provided, levied and collected in the manner provided by law.

General laws to remain in force.

SECTION 2. All the general laws of this state which are now, or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by

law of town treasurers to collect taxes, except as herein provided.

CHAPTER IX.

FIRE DEPARTMENT — FIRE LIMITS.

Fire department.

SECTION 1. The common council for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Building and construction of buildings.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners or occupants of buildings to have scuttles in the roof and stairs and ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Power to purchase fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-

engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up, and such apparatus may be sold if the common council so direct, and the proceeds of such sale shall be paid into the city treasury. Each company shall consist of not to exceed twenty-five able-bodied men between the ages of fifteen and fifty, and may elect their own officers and frame their own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll tax, from serving on juries, and military duty during the continuance of such membership; and any person having served for th· term of five years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in case of insurrection or invasion.

Annual meeting of the fire department.

SECTION 4. There shall be a meeting of said companies on the third Monday of November in each year, at such places as may be designated by the chief engineer, when they may elect and recommend to the common council for appointment, one chief engineer and two assistant engineers, and the common council shall thereupon confirm said elections, and the persons so appointed shall perform such duties as the common council may prescribe.

Firewardens may be nominated.

SECTION 5. At the same time the members of said companies shall nominate, and the common council appoint the same, three firewardens who shall perform such duties as the common council may prescribe, and they may at any time enter into or upon any house, barn or other building or enclosure for the purpose of inspecting the same and with a view to guard against fire.

Fines to be paid to the fire department.

SECTION 6. The net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

SECTION 7. Whenever any person shall refuse

to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful orders, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars. Penalty for refusal to obey lawful orders.

SECTION 8. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than fifteen members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Hudson, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as it may deem necessary, not inconsistent with this act and the laws of the state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbances of the peace, have free access to all licensed places of amusements in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office, and when any Power to organize a sack company.

member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER X.

BOARD OF EDUCATION.

School district boundaries.

SECTION 1. All territory within the present corporate limits of the city of Hudson, and all territory which may hereafter be attached to and incorporated in the limits of said city, and also the northwest quarter of section thirty, township number twenty-nine, range number nineteen west, lying in the town of Hudson, shall constitute and form one school-district, and the board of education of the city of Hudson in all respects shall have the supervision and management of the schools in said district.

School commissioners.

SECTION 2. There shall be elected two commissioners of common schools in each ward of the city of Hudson, who shall be residents of the ward for which they are elected, and they shall, within ten days after their election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk, and shall hold their offices for two years and until their successors are elected and qualified. At the next annual charter election, and at each annual charter election thereafter, there shall be elected one commissioner of common schools from each ward in said city, who shall hold his office for two years and until the successor is elected and qualified.

Superintendent of schools.

SECTION 3. Said commissioners of common schools shall, at their annual meeting on the third Monday of April in 1885, and annually thereafter, elect a superintendent of common schools for said city, who shall be a resident of said city, and whose term of office shall commence on the third Monday of April of each year, and continue for one year and until his successor is elected and qualified.

Board of education.

SECTION 4. The commissioners of common schools of said city, and the superintendent thereof, shall constitute the board of education of the city of Hudson, which board shall be a corporate body in relation to all the powers and

duties conferred on them by this act, and a majority of said board shall constitute a quorum. At their annual meeting on the third Monday of April in each year, besides electing a superintendent, they shall elect one of their number president; and whenever the president shall be absent or unable to act, a president *pro tem.* may be appointed.

Clerk of board of education.

SECTION 5. The superintendent of schools shall be clerk of the board of education, unless he be absent or unable to serve, in which case the board may appoint a clerk *pro tem.* The clerk of said board shall keep a record of the proceedings thereof and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the clerk and president, shall be received in all courts as *prima facie* evidence of the facts therein set forth. And all such records, books and accounts of said board shall at all times be subject to the inspection of the common council or any committee thereof. No member of the board of education, except the clerk, shall be allowed any compensation for any of the services prescribed in this act; the clerk shall receive such compensation for services as clerk and superintendent as prescribed by said board.

Annual report.

SECTION 6. The superintendent shall, at such time as town superintendents are now or may hereafter be required by law to make their reports, each year make and transmit to the county clerk of St. Croix county a report of all such matters and things as may be required by law of town superintendents.

Oath of office to be taken.

SECTION 7. The superintendent of schools, before entering upon the duties of his office, shall take the oath of office prescribed by the constitution of this state, and file the same with the city clerk. He shall also execute to the city of Hudson an official bond, in such sum and with such security as the board of education shall direct and approve, which bond shall be filed with the city clerk; and in case any such superintendent or clerk of the board shall defraud the school-district of said city, the said board of education shall therefor, in the name of the city of Hudson, commence and prosecute upon said official bond, such suit or suits as they may deem necessary and proper.

Does not interfere with existing laws.

SECTION 8. Nothing in this chapter shall be construed to supersede any officer or officers of said board now acting by virtue of the act incorporating public schools in the city of Hudson, or acts amendatory thereto heretofore passed; such officer or officers shall continue in office as heretofore, till his or their term of office shall expire.

Passing of ordinances by board of education.

SECTION 9. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation of and protection of the school-houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of the city ordinances, and shall be paid to the treasurer, and be subject to the order of the board of education, and shall be expended by said board for the use of the said schools in said city.

Title of school-houses, etc. shall be vested in city.

SECTION 10. The title of all the school-houses, sites, furniture, books and apparatus shall become and be vested in the city of Hudson, and the same while used for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever.

Sale of school-houses.

SECTION 11. Whenever said board of education shall report to the common council that it is advisable to sell any of the school-houses or sites now or hereafter belonging to said city, the common council may dispose of the same, but no such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school-house or site, belonging to said city for school purposes, be used for any other purpose, without the unanimous consent of said board.

Removal from office.

SECTION 12. Any commissioner of common schools in said city may be removed from office for official misconduct, by the common council, by a vote of two-thirds of the aldermen present, but in all cases shall be granted a full and fair hearing before such removal.

Power of board of education defined.

SECTION 13. The board of education shall have power, and it shall be their duty:

1st. To establish and organize such schools in

said city as they may deem expedient and necessary, and in their discretion to discontinue the same.

2d. To purchase or lease school-houses or lots, or sites for school-houses, and to fence or otherwise improve the same as they may deem proper upon such lots, and upon any sites now owned by said city; to build, enlarge, improve and repair school-houses, outhouses and their appurtenances as they may deem proper; provided no purchase of school-house sites or real estate shall be made without the approval of the common council.

3d. To purchase, exchange, repair or improve school apparatus, furniture, books for indigent pupils, to purchase and provide for a school library for the children and the teachers of the public schools, and provide rules for the government of the same, and to provide fuel for the schools, and to defray their contingent expenses.

4th. To have custody and safe keeping of the school-houses, outhouses, books and furniture belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed.

5th. To employ and contract with all teachers in the common schools, to whom the necessary certificates may have been given by the superintendent and at their pleasure to remove them; provided, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools in said city, and from time to time make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts, and the transfer of pupils from one department to another, and generally for their good order and utility.

6th. To make such orders and regulations in regard to the examination of teachers as they may deem proper; provided, that such examination shall be conducted by the superintendent, or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification.

Terms upon which non-residents may attend.

SECTION 14. The said board shall have power to allow children of parents not residents of the city to attend any of the schools of said city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend such schools.

Board to expend money.

SECTION 15. The said board shall be trustees of the school-district library in said city, and shall expend all moneys appropriated by law or gift for enlarging or establishing the same.

Annual statement to be made.

SECTION 16. The said board shall each year prepare a correct statement of all receipts and disbursements of school moneys during the preceding year, specifying from what source received, and for what purpose expended, which statement shall be published at least ten days before the annual charter election, in the official paper of said city.

Sums for current expenses to be certified.

SECTION 17. The said board of education shall determine and certify to the common council of said city sums of money as they may deem necessary, for defraying the current expenses of the public schools, but such sum, so certified in any one year, shall not exceed seven mills on the assessed valuation of all the real and personal property in the school-district of the city.

School money to be paid to city treasurer.

SECTION 18. All moneys raised by this act for school purposes shall be paid to the city treasurer, who shall be accountable therefor in the same manner as for other moneys of said city.

Regarding suits, etc.

SECTION 19. The board of education may cause a suit or suits to be commenced and prosecuted in the name of the city of Hudson, upon the official bond of the treasurer of said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping and disbursement of any school moneys that may come into his hands.

Detached from the office of county superintendent.

SECTION 20. The city of Hudson is hereby exempt from the provisions of the revised statutes in relation to the office of county superintendent of schools, except in the matter of making reports to the state superintendent.

Money due city to be demanded by city treasurer.

SECTION 21. The city treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of St. Croix county, all moneys appropriated for the use of the schools in said city, and

all other moneys in possession of said county treasurer, at any time raised, appropriated or intended for the use and benefit of schools in said city, and the county treasurer is hereby directed and required, on demand of the said treasurer, to pay over to him the said moneys without delay or set-off, taking his receipt as such treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city.

Board of education to be subject to state superintendent.

SECTION 22. The said board of education shall be subject from time to time to the rules and regulations made by the state superintendent of schools so far as the same may be applicable and not inconsistent with the provisions of this act.

Annual tax levy for school purposes.

SECTION 23. The city clerk shall, on or before the fourth Monday of November in each year, certify to the town clerk of the town of Hudson the per centum of taxes levied by the common council for school purposes for the current year. The town clerk, receiving such certified statement, shall assess said per centum upon all real and personal property liable thereto, placing the same in a separate column in the tax roll of his town, and deliver it to the town treasurer for collection, and such tax shall be collected and returned in all respects as other taxes, and when collected the money shall be paid over to the treasurer of the city of Hudson.

Notice of election of commissioner.

SECTION 24. It shall be the duty of the city clerk, immediately after the election or appointment of any person as commissioner of common schools, to notify him of his election; and if any such person so notified shall not, within ten days thereafter, take and subscribe the constitutional oath, and file the same with the city clerk of said city, the common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

Audit of indebtedness.

SECTION 25. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and all moneys received by or raised in the city of Hudson for school purposes shall be under the control of the board of education, and shall be drawn out upon the order of the president, countersigned by the clerk, duly authorized by a vote of said board, and in no other manner, and all such orders shall be received in payment of any debt or demand due

to, or tax or assessment levied by authority of the city for school purposes.

No general law shall affect.

SECTION 26. No general law of this state, contravening the provisions of this chapter, shall be construed as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter; and all general laws which are in conflict or inconsistent with the provisions of this chapter are hereby repealed, so far as the same applies to this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

All work shall be let by contract.

SECTION 1. All work for the city or either ward thereof, unless performed by the city, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract; provided, that the council shall have power to reject any and all bids.

No moneys shall be appropriated unless expressly authorized.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act; and no vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Remission of penalties.

SECTION 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of the aldermen elect.

All actions to be brought in corporate name of city.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Hudson against any person, company or corporation, such action may be commenced and prosecuted in the

name of the city by any resident of said city; provided, that before any person, other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds, with sufficient surety to the opposite party to be approved by the judge or justice before whom such action shall be brought, conditioned that they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of such action; but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said court can reasonably hear and dispose of such offender.

Committing offender to jail.

SECTION 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the police justice pursuant to any ordinance or by-law of the said city of Hudson, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of St. Croix county, unless otherwise provided, and shall there be imprisoned for a term not exceeding six months, in the discretion of the police justice, unless the fine or penalty aforesaid be sooner paid or satisfied; and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said jail of St. Croix county; and from and after the time of the arrest of any person or persons for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said jail of St. Croix county, or in the city prison; and in all cases where the said police justice is or may be

authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said city, he may commit such person or persons to the jail of St. Croix county or to the city prison. The sheriff of St. Croix county and jailors and prison keepers of said common jail of St. Croix county, and each of the deputies, are required to receive such persons in custody and confine them safely in said common jail of St. Croix county until they may be discharged by due course of law; and such sheriff, jailors, prison-keepers and their deputies offending in the premises, shall be liable to the same fines and penalties and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process, issued under the authority of this state. The said city of Hudson shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state.

Shall not work incompetency.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city may be a party in interest.

To remain in force.

SECTION 7. All ordinances, regulations or resolutions now in force in the city of Hudson, not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the common council after this act shall take effect.

Actions to be prosecuted by corporation.

SECTION 8. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation herein created.

Failure to hold election does not invalidate.

SECTION 9. If any election of the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by

this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not so done or performed, the common council may appoint another time at which said acts may be done and performed.

How suits are commenced.

SECTION 10. Whenever any suit or action shall be commenced against said city, the service thereof may be had by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinance or resolution of said council may be in such case provided.

Accurate surveys and boundaries to be made.

SECTION 11. The common council may at any time cause a new and accurrate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land-marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of St. Croix county.

Shall be prima facie evidence.

SECTION 12. The surveys and land-marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets and alleys, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Establishing the grades of streets, etc.

SECTION 13. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them and shall cause accurate profile thereof, to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be effected or injured in consequence of the alteration of such grade.

Lease and purchase of real estate.

SECTION 14. The city may lease, purchase, and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned, occupied or held by said city, shall be exempt from taxation.

SECTION 15. When the city of Hudson deeds

When city deeds or leases

or leases any real estate or any interest therein, owned by said city, the party of the first part shall be the city of Hudson, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to execute the deed when ordered.

SECTION 16. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordinance to be attached to deed.

SECTION 17. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds; which said deed or lease, and such copy so attached and record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

General fund.

SECTION 18. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, and all penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury and become a part of the general fund of said city.

Real estate exempt shall be subject to special taxes.

SECTION 19. Real estate exempt by the laws of this state from general taxation, shall be subject to special taxes for the building or grading of streets, sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given, and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax.

Private property not available for city debts.

SECTION 20. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein shall be levied on or sold by

virtue of any execution issued to satisfy any judgment against said city.

No interest on city orders.

SECTION 21. No interest shall be allowed or paid on any city order or certificate of indebtedness, unless the same is expressly authorized by the common council.

Regular committees.

SECTION 22. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department, claims, health and licenses, and shall be appointed by the president of the council at the annual meeting, on the first Monday of May, or as soon thereafter as convenient.

Remission of taxes.

SECTION 23. The common council may by unanimous vote thereof, remit any tax or special assessment, or any part thereof whenever the same shall be manifestly illegal or unjust.

No general law shall repeal.

SECTION 24. No general law of this state contravening the provisions of this act, shall be construed as repealing, annulling, or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this chapter or this act, and all general laws which are in conflict or inconsistent with the provisions of this act, are hereby repealed, so far as the same applies to the city of Hudson.

Public act.

SECTION 25. This act shall be deemed a public act, and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places; and all ordinances, orders, rules, resolutions or regulations and by-laws of said city, when printed and published, as in this act provided, with a certified copy of the resolution of the common council, adopting such book or pamphlet, attaching to the cover thereof, shall be received and read in evidence in all courts and places without further proof; also the book in which the ordinances of said city are recorded at length by the city clerk shall be received and read in evidence in all courts and places without further proof.

Publishing ordinances, by-laws, etc.

SECTION 26. The common council may at any time publish in book or pamphlet form all ordinances, by-laws, rules, regulations, and all by-laws, rules and regulations of the board of education, board of health, or of any other body of board authorized by this act to be elected or appointed, and may in the same book publish this act, and

embody any subsequent amendment to this act duly made therewith, and such book when so published, and, by resolution, duly passed by the common council, adopted as the charter, ordinances, by-laws, rules and regulations of said city, such publication in book or pamphlet shall be deemed and held to be a legal and sufficient publication of said ordinances, by-laws, rules and regulations.

Altering or amending this act.

SECTION 27. This act, nor any part thereof, nor any act in any way affecting the municipal government of the city, or any part thereof, shall be altered, amended, repealed or passed, unless the same be recommended by a majority of all the members of the common council.

Representation of county board.

SECTION 28. The supervisors elected under this act shall represent the city of Hudson on the county board of supervisors of St. Croix county, and shall have the same powers and duties as other members of such board.

Verifying accounts.

SECTION 29. No account shall be allowed by the common council unless the same is verified by the claimant thereof or some person in his behalf.

Prohibiting the sale of liquor to common drunkards.

SECTION 30. The common council, by resolution, may forbid any and all persons in said city who are or may be licensed to sell strong, spirituous, ardent or intoxicating liquors, from selling or giving to any person, naming him, who, in the opinion of the council, is drinking or using spirituous, ardent or intoxicating liquors, to such excess as to make or render such person disorderly or liable to be disorderly; and if any person licensed as aforesaid shall sell or give to any such person any strong, ardent or spirituous liquors, or allow any other person or persons on his premises to sell or give to such person, or any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may, upon proof thereof, by resolution declare the license of such person forfeited and revoke the same; and such person, or any other person who shall sell, give, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars, which shall be sued for and recovered, with costs, of such persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for

ıe violation of city ordinances hereinbefore pro-
ded in this act.

SECTION 31. The paupers of said city shall be :moved to the poor-house of the county of St. roix by order of the supervisors of the several ards, in like manner as they are removed from ıe several towns in said county; provided, that by reason of contagious or infectious disease, : for any other reason, such pauper cannot be so ;moved to the county poor-house without danger) the public health, the city of Hudson shall ıre for such pauper until such time as he may be) removed, and the expense of such care so in-ırred shall be chargeable to and paid from the oor fund of St. Croix county. Removal of paupers to poor-house.

SECTION 32. The city of Hudson shall not be able in any case for the board or jail fees of any erson who may be committed by any officer of ıis city or any magistrate to the jail of St. Croix ounty for any offense punishable under the state ıws. Jail fees, city not responsible.

SECTION 33. No sale under execution, or other roceedings upon a judgment, decree, foreclosure r lien, and no transfer or mortgage shall direct r affect the lien on any assessment for any tax, r for any improvements, works or benefits charge-ble to or assessed against property under this ct, although the confirmation of such assessment nay be subsequent to the lien of such judgment, lecree or other lien, or to such transfer or mort-;age. Affecting lien on any assessment.

SECTION 34. The common council of said city hall have, and it is hereby granted power to tax nnually each male inhabitant within the corpo-ate limits of said city between the ages of wentv-one and fifty years, except as otherwise ›rovided in this act, a sum not to exceed one dol-ar and fifty cents, to be denominated a poll tax ınd to be appropriated to the improvements of ıtreets, roads, alleys and cross walks in said city. Poll taxes.

SECTION 35. On or before the regular meeting of the council in June in each year, the city clerk shall make out from the (poll) lists in his office the names of all male persons over twenty-one years of age and under fifty, liable to pay such polltax, with the amount thereof set opposite each person's name, and submit the same to the common council for correction. When such list Poll lists to be made out annually.

is corrected, the common council shall by order (to be signed by the mayor and clerk, sealed with the seal of said city and annexed thereto) direct the same to be delivered forthwith to the street commissioner for collection. The street commissioner shall forthwith proceed to the collection of said tax, and shall demand the same once from each person named in the list, and if any person liable therefor neglects to pay for the same for two days thereafter, then such street commissioner shall, in the name of the city, sue for and collect such tax, with fifty per centum damages on the same, with costs of suit, before the police justice, and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort, and the first process in such action shall be by civil warrant; and the street commissioner, while said list is in his hands for collection, may put upon the same the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list; and may also erase such names as are not liable to such tax.

Street commissioner to be chosen.

SECTION 36. The common council shall, at their first meeting for organization in each year, choose by ballot a street commissioner, who shall, in addition to the collection of the poll tax, as above provided, under the direction of the common council, expend the same on the streets, culverts, cross walks or highways in said city.

Term of office.

SECTION 37. Nothing in this act shall be construed to supersede any officer or officers of said city now acting by virtue of the act incorporating said city, or acts amendatory thereto heretofore passed. Such officer or officers shall continue in office as heretofore till his or their term of office shall expire.

Board of review.

SECTION 38. The mayor, clerk, and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the last Monday in June in each year, and shall proceed in all respects as town boards are by law required to proceed.

License shall be signed by city clerk.

SECTION 39. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city; but no license shall be

issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, together with a bond as required by the laws of this state, which bond shall be approved by the common council; every such license shall contain a clause prohibiting the selling, vending or giving away any such strong, vinous or fermented, ardent, intoxicating and malt liquors, on any general or special election, or on the Sabbath day, or at any time, to any minor or habitual drunkard, or after eleven o'clock at night.

Assignee of license.

SECTION 40. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Assignee of license to do business on original premises.

SECTION 41. No assignee of any license shall be permitted to pursue the occupation or business licensed except upon the same premises where the business was conducted by the original holder of said license.

Bonds for building school-houses.

SECTION 42. The common council of the city of Hudson are empowered, in their discretion, after being requested thereto by a resolution of the board of education of the city of Hudson, to authorize the issue by the mayor and clerk of bonds of said city having not less than five years to run, with interest payable annually, the proceeds of which shall be used for the purpose of building school-houses and purchasing sites therefor; and they may make such arrangements as they see fit with holders of bonds to extend the time of payment of said bonds, and for that purpose may issue new bonds to be exchanged for old ones; and the taxation to pay the interest and principal on said bonds shall be on all the property in the school-district established. The common council shall also have power to issue bonds having not less than five years to run, to aid in purchasing fire-engines and equipments necessary for extinguishing fires; provided, however, that the common council shall not in any case, or for any purpose whatever, have power to issue bonds or any other evidence of indebtedness

bearing a greater rate of annual interest than five per centum; and provided, further, that they shall not have power to issue bonds for all purposes whatsoever, which shall amount in the aggregate to more than one-tenth of the assessed valuation of the real and personal property of said city.

Appropriation of five hundred dollars may be made.

SECTION 43. The common council shall have power to appropriate annually a sum not exceeding five hundred dollars to any public purpose it may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Penalty for setting up gambling houses, etc.

SECTION 44. Any person who shall set up or keep a common gaming house, or a gambling house or place, or a house of ill-fame, or a bawdy house or place, and all persons or inmates thereof or found therein, within the limits of the city of Hudson, and on trial and conviction be adjudged guilty, in an action wherein the city shall be plaintiff, in the same manner as for violation of city ordinances hereinbefore provided, shall be punished by imprisonment in the city prison or county jail of St. Croix county, not to exceed six months, or by a fine not to exceed one hundred dollars, or by both such fine and imprisonment, as the police justice of the city of the court before whom the trial is had may think proper; and on trial of persons for the violation of this section, proof of the general reputation of the house or place kept shall be sufficient *prima facie* evidence of the fame and kind of place or house kept.

Mayor may grant pardons.

SECTION 45. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Regarding actions in tort.

SECTION 46. No action in tort shall lie or be maintained against the city of Hudson, unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong, and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

SECTION 47. All acts and parts of acts conflict-

ing with the provisions of this act are hereby repealed. Repealing section.

SECTION 48. This act shall be considered a public act, and shall be liberally construed in all courts of this state, and shall be in force and take effect from and after its passage and publication. Public act.

Approved March 30, 1885.

[No. 293, A.] [Published April 11, 1885.]

CHAPTER 212.

AN ACT to amend section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, approved April 6, 1866."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 2, of chapter 306, of the private and local laws of 1866, entitled, "An act to consolidate and amend the act to incorporate the city of Berlin and the several acts amendatory thereof, approved April 6, 1866," is hereby amended so as to read as follows: Section 5: The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or by the laws of this state. All money raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the city council, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming in his hands as treasurer, in a book provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums Section 2, ch. 2, amended.

was received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall, as often as the city council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the same laws as treasurers of towns. He shall receive on all taxes collected by him prior to the tenth day of January one per centum, and on all taxes collected thereafter during his term, two per centum, to be retained from the collections, and in addition thereto, when collection is made by distress and sale of goods, the same fees given by law to constables for levy and sale of goods upon execution; and also two per centum of all drainage fund money that shall be received by him from the state or county, to be retained out of such moneys; and for making his return of delinquent taxes one dollar, and six cents for each mile traveled, one way, to deliver the same, to be paid by the county treasurer on settlement. He shall have no other compensation.

Section 3, of chapter 3, amended.

SECTION 2. Section 3, of chapter 3, of said chapter 306, is hereby amended so as to read as follows: Section 3. The city council shall have the management and control of the finances and of all the property of the city, and it shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify and amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be

not repugnant to the constitution and laws of the United States or of this state; and for such purposes shall have authority by ordinances, resolutions and by-laws:

Power to issue licenses.

1st. To license and regulate the exhibitions of common showmen, and shows of any kind, the exhibitions of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or common law. To license billiard and pool tables, bowling alleys or saloons, and to grant licenses to such persons as it may deem proper for the sale of strong, spirituous, malt, ardent or intoxicating liquors within said city in such place as may be designated in such license, and regulate groceries, taverns, victualing-houses and all places where intoxicating liquors are sold, and revoke any license for a violation of any provision thereof; provided, that the sum paid for any license to sell intoxicating liquors shall not be less than the amount fixed and provided by the laws of this state, and that no license be granted for a term less than one year.

Restrain and prohibit gambling.

2d. To restrain and prohibit all description of gaming devices and practices, and all playing cards or other games, and all horse-racing in said city, and to restrain any person from vending, giving away to evade the law, or dealing in spirituous, fermented or vinous liquors contrary to law. It shall be the duty of the mayor to prosecute for any and all such penalties incurred for any violation of any of the provisions of this charter, or any by-law enacted by virtue of this charter, or for any violation of any law of this state within the limits of the said city of Berlin.

Prevent riots, disturbances, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleanse nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Location and management of slaughter-houses.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder and other combustible materials.

Immoderate driving.

7th. To prevent immoderate riding or driving in the streets, and to regulate the places of bathing or swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of cattle, swine sheep, horses and poultry, and to authorize the distraining and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction thereof in a summary manner when at large contrary to any ordinance.

Putrid substances.

10th. To prevent any person from bringing, or depositing or having, within said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of which, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Public grounds, etc.

11th. To make and establish public grounds, pumps, wells, fountains, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen and draymen in the city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds from taxation.

Bread.

13th. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding or driving on sidewalks.

14th. To prevent all persons riding or driving any mule, cattle, horse or any other animal on sidewalks in said city or in any way doing any damage to such sidewalks

15th. To prevent the shooting of fire-arms or

crackers, and to prevent the exhibition of any fire-works in any place which may be considered by the council dangerons to the city or any property therein, or annoying to any citizen thereof. Shooting fire-arms.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public-houses or other establishments, and to regulate the police of the city. Runners and solicitors.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the observance of such rules and regulations. Public markets.

19th. To license and regulate butcher stalls, shops and stands for the sale of game, poultry butcher's meat, butter, fish and other provisions. Butcher stalls.

20th. To regulate the place and manner of weighing hay, and the selling of the same, and measuring and selling fuel, lime, stone, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay.

21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the roofs, sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Remove snow and dirt.

22d. To regulate the construction of piers or wharves on the Fox river, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon. Piers and wharves.

24d. To regulate the time and place and manner of holding public auctions and vendues. Public auctions and vendues.

24th. To appoint firewardens and watchmen, and to prescribe their duties. Wardens and watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

Trees and monuments.

26th. To protect trees and monuments in said city.

Draining fountains.

27th. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers in said city.

Repairs of highways.

28th. To lay out, make, open, keep in repair, grade or discontinue any highways, streets, lanes, alleys, sewers, gutters, sidewalks and bridges, and to keep them free from incumbrances, and to protect them from injury.

Recording plats.

29th. To cause all out or in lots within said city of less size than ten acres each that have not been platted and recorded by the owners thereof, as required by law to be platted and recorded by authority of the board, and to tax the charges for said services against the lot or lots so platted and recorded, to be collected the same as other corporate or general taxes.

Seal.

30th. To have a common seal and to alter the same at pleasure.

Cemeteries.

31st. To make all needful rules and regulations in regard to all cemeteries within the limits of said city of Berlin, and to appropriate such sums of money as may be by said council deemed necessary for fencing, improving and beautifying the same.

Sec. 3 of chap. 3, amended.

Section 3, of chapter 3, of said chapter 306, is further amended by adding thereto the following:

32d. To appoint a city attorney for said city, who shall be the legal advisor of said city council and of all city officers in matters relating to the business of the city; conduct all suits and legal proceedings in which said city shall be a party or be interested in behalf of said city, and do such other legal business for said city as the city council may direct. Said city attorney shall be paid an annual salary, the amount of which shall be fixed by the city council at the time of his appointment, which salary shall be payment in full for all services rendered the city as such attorney, except services rendered in the preparation for, and the trial of causes to which the city may be a party, or in which the city may have some interest, for which services said attorney shall be paid by said city what said services are reasonably worth in addition to his said salary.

Sec. 8 of chap. 8, amended.

SECTION 3. Section 3, of chapter 8, of said chapter 306, is hereby amended so as to read as fol-

lows: Section 3. It shall be sufficient to give the number of the section or sections, and the title of the ordinances, by-laws, regulation or resolution, or of the law violated in such complaint; and said complaint may be sworn to before any officer authorized to administer oaths in the courts of this state. Upon the filing of such complaint in the office of any justice of the peace of said city, the said justice shall immediately notify the city attorney and if directed by said city attorney (and not otherwise) shall issue a warrant thereon substantially as follows:

To the sheriff or any constable of said county, or the marshal of the city of Berlin, greeting: Form of warrant.

Whereas ——— has this day complained to me in writing, on oath, that ——— did on the —— day of ——, 18—, violate the —— section or sections of an ordinance (by-law, regulation or law, describing it by its title) which said —— is now in force and effect as said complainant verily believes:

Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ——, and him forthwith bring before me, a justice of the peace of the said city, to answer to said city of Berlin, on the complaint aforesaid.

Given under my hand this —— day of ——, 18—.

——, Justice of the Peace.

Sec. 4 of chap. 8, amended.

SECTION 4. Section 4, of said chapter 8, of said chapter 306, is hereby amended so as to read as follows: Section 4. Upon the return of the warrant, the court shall notify the city attorney, whose duty it shall be to attend and prosecute the case, which shall be proceeded with at once, unless continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the city lock up of said city. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all subject matter which pertains to the defense of the action.

SECTION 5. All acts and parts of acts inconsist-

Repealing section.

ent with or in any manner contravening the provisions of this act, are repealed.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved April 1, 1885.

[No. 585, A.] [Published April 11, 1885.]

CHAPTER 220.

AN ACT to amend the charter of the city of Plymouth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May order construction of sidewalks.

SECTION 1. The common council, upon petition of a majority of the resident owners of any lots or lands, said petitioners owning at least one-half of the lots or lands abutting such side of the street, shall order the construction of such sidewalk upon the established grade to be built of such width and in such time as the common council by ordinance, resolution or order may direct. Such sidewalk shall be constructed of wood, brick, stone or gravel, in a manner to make it secure and safe, and to prevent any caving or falling in; provided, that the street upon which such improvement is contemplated has been properly graded.

Shall construct the same by contract if necessary.

SECTION 2. If such sidewalk shall not be constructed in the manner above mentioned or within the time prescribed by the common council, then the common council shall cause the same to be done by contract. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least two weeks, of the time, place and manner of receiving such bids; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, if known, or the ordinance, resolution or order, requiring the construction of such sidewalk, and publication of the same, as least two weeks in the official paper of the city.

Contractor shall be entitled to certificate.

SECTION 3. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved in writing by the mayor and street commissioner, and accepted by the common council, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and street commissioner, and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. Such certificate may be transferred by endorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the said lots or land respectively, as a special tax, and to be collected therefor for the benefit of the holder of said certificate, as other taxes on real estate are collected under the act of incorporation of said city. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event, whenever such work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, or for any proceedings for the collection or the pay therefor.

Repair of sidewalks.

SECTION 4. Whenever a sidewalk shall be out of repair, and so remain for one week, which in the opinion of the street commissioner, will not cost exceeding five dollars in front of any one lot or piece of ground, and shall be dangerous to public safety or travel, it shall be the duty of the street commissioner to repair the same immediately, and certify the cost of the same against the owner of the lot or land to the city clerk, who shall enter the same in the next tax roll against the proper lot as a tax, which shall be a lien thereon, the same as any other tax, and paid over and held by the city treasurer in the general fund of said city, and paid out as such.

Owners of sidewalks to be compelled to repair the same

SECTION 5. The common council shall also, on complaint being made by any person or to any member thereof, or on its own knowledge, or that of any member thereof, that any sidewalk al-

ready constructed in the city is out of repair; that the same is dangerous and unsafe for public travel and the cost of such repair will exceed the sum of five dollars, shall by resolution, to be published not less than two weeks, authorize and compel the owner or owners thereof to rebuild and repair the same without delay; and in case any such owner neglects or refuses to so rebuild or repair such sidewalk within two weeks after such publication of such resolution shall have been made, the common council shall cause the street commissioner, or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost in full for the same against each lot so being in default, in the same manner as provided in section 3; and the city clerk shall place the same in the next tax roll of the city in the same manner as therein provided; provided, that all kinds of real estate in the city exempt by the laws of the state from taxation for general purposes, shall not be exempt from paying the taxes mentioned in this chapter, but shall be subject to and pay such taxes for such improvements, sidewalks and pavements or repair the same as other real estate in the city, or the owners thereof, shall cause the same to be done.

Question of adoption of amendments to be submitted.

SECTION 6. The question of the adoption of the amendments herein proposed in the city charter of the city of Plymouth, shall be submitted to the electors of such city before the same shall become operative. For the purpose of determining the question, the qualified electors residing in said city, shall at the time of holding their next annual charter election, vote upon the question by ballot. Such election shall be held at the same place or places, and under the same rules and regulations as govern said city at its annual charter election, except as otherwise provided in this act. The vote shall be taken upon all the amendments herein provided together. Every elector residing in said city, and qualified to vote at the charter election, may vote upon such question. The ballots shall be, "For charter amendment, relating to the establishment and maintenance of sidewalks," and "Against charter amendment relating to the establishment and maintenance of sidewalks," and shall be taken and kept in a separate ballot-box from the ballots for city officers.

If the majority of such ballots shall have thereon, "For the charter amendment," this act shall be in full force from and after the first day of May, 1885; and if a majority of the ballots shall have thereon, "Against charter amendment," this act shall be inoperative and of no force. Returns shall be made, canvassed, and result determined under the same rules and regulations as govern in the charter election of said city.

Section 4 amended.

SECTION 7. Section 4, of chapter 193, of the laws of 1877, entitled, "an act to incorporate the city of Plymouth," is hereby amended as follows: to wit: Whenever the words, "a marshal" or "marshal" occur in said section, the same shall be stricken out.

Section 5 amended.

SECTION 8. Section 5, of said act is hereby amended, as follows, to wit: Whenever the words, "one marshal" occurs in said section, the same shall be stricken out.

Section 15 amended.

SECTION 9. Section 15, of said act is hereby amended, by adding to said section the following words: The treasurer shall be a collector of taxes, and for his service receive the same compensation except as herein provided, and be governed by the same laws and be subject to the same liabilities as treasurers of towns.

Section 16 amended.

SECTION 10. Section 16, of said act, is hereby amended so as to read as follows: At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect a marshal, whose term of office shall commence and continue the same as the elective officers of said city, unless revoked by a two-thirds vote of the common council. The marshal shall perform such duties as shall be prescribed by the council for the preservation of public peace, and for the collection of license money and fines, which money so received he shall immediately pay to the city treasurer. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person

in the act of committing any offense against any ordinance of said city or any law of the state and forthwith to bring such person before competent authorities for examination, and for such services he shall receive such fees as are allowed to constables for such service. He shall appoint two or more deputies, whose appointment shall be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of his duties. And said marshal shall receive such compensation as the common council may deem proper.

Sections 60, 61 and 62 amended.

SECTION 11. Sections 60, 61 and 62, of said act are hereby amended by striking out the words "city marshal" or "marshal," where they occur and by inserting in lieu thereof the words, "city treasurer."

Amended.

SECTION 12. Section 62, of said act, is hereby further amended by striking out the words, "and shall also at the same time pay over to the city treasurer all other moneys in his possession belonging to the city of Plymouth," where they occur in the eighth, ninth and tenth lines of said act, as published, so that the said section, when amended, shall read as follows, to wit: On or before the fifteenth day of February of each year the said city treasurer shall make out and return to the treasurer of Sheboygan county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The said city treasurer shall also by the same time make out and deliver to the city clerk, a list of all delinquent personal property tax for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or required by law upon delinquent returns for the several towns.

Question of adoption of amendments to be submitted.

SECTION 13. The question of the adoption of the amendments herein proposed to the city charter of the city of Plymouth, shall be submitted to the electors of such city before the same shall become operative. For the purpose of determining the question, the qualified electors residing in said city shall, at the time of holding the

next annual charter election, vote upon the question by ballot. Such election shall be held at the same place or places, and under the same rules and regulations, as govern said city at its annual charter election, except as otherwise provided in this act. The vote shall be taken upon all the amendments herein provided together. Every elector residing in said city and qualified to vote at the charter election, may vote upon such question. The ballots shall be: "For charter amendment relating to the offices of city treasurer and marshal," and "Against charter amendment relating to the offices of city treasurer and marshal," and shall be taken and kept in a separate ballot-box from the ballots for city officers. If the majority of such ballots shall have thereon, "For the charter amendment," this act shall be in full force from and after the first day of May, 1885, and if a majority of the ballots shall have thereon, "Against charter amendment," this act shall be inoperative and of no force. Returns shall be made, canvassed, and result determined under the same rules and regulations as govern in the charter election of said city.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1885.

[No. 255, A.] [Published April 6, 1885.]

CHAPTER 221.

AN ACT to amend chapter 162, of the laws of 1877, incorporating the city of New London.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of sub-chapter 3, of chapter 162, of the laws of 1877, is hereby amended so as to read as follows: "Section 1. The elective officers of said city shall be a mayor, treasurer, city clerk, city attorney, justice of the peace, assessor, school commissioner, street commissioner, chief of police, and city surveyor, to be elected by

Section one amended.

the city at large, and the following officers to be elected from each ward, viz.: One alderman, one school commissioner, one supervisor to represent the ward in the board of supervisors of the county, one justice of the peace and one constable. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Section six amended.

SECTION 2. Section 6, of sub-chapter 4, of said chapter 162, is hereby amended so as to read as follows, viz.: Section 6. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and rivers in said river are duly observed and kept, and shall control all persons employed therein, and have the general supervision over all work let by contract for the making, grading paving, graveling, repairing and cleaning of streets, bridges, sidewalks, alleys, reservoirs and gutters, unless the common council shall otherwise direct, and he shall perform such other duties as may be prescribed by this charter and the ordinances of said city. He shall also cause all laws and ordinances in force in said city in relation to animals running at large to be observed and kept, and it is hereby made his duty to take up and impound such animals and he shall also be the poundmaster or keeper. He shall be liable to removal from office for incompetency or official misconduct by the common council in the manner provided by this act. He shall receive such compensation for his services as the common council may determine, and not less than three hundred and not exceeding six hundred dollars per annum.

Section seven amended.

SECTION 3. Section 7, of said sub-chapter 4, is hereby amended so as to read as follows, viz.: Section 7. The city surveyor shall be practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix his fees and compensation for any services performed by him, and all surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of the city and shall be carefully preserved in the office of said surveyor and delivered by him to his successor in office and

shall be kept as public records, open to the inspection of the public.

SECTION 4. Section 1, of sub-chapter 7, of said chapter 162, is hereby amended so as to read as follows: "Section 1. All public improvements provided for by this act, excepting bridges costing more than five hundred dollars and those payable from the school fund, shall be made at such time and in such manner as the common council shall by resolution, order or ordinance, determine and direct, subject to the following provisions, unless otherwise specially provided for by this act. Section one of sub-chapter seven amended.

1st. All public improvements payable out of any fund belonging to the city, with the above exceptions, shall be let by a written contract to the lowest bidder, who shall secure the performance of said contract by a bond with good and sufficient sureties, to be approved by the common council.

2d. The repair of all public improvements and the necessary expenses in keeping them in a cleanly condition, whether such improvements were originally paid for out of the general fund of the city, or by assessment against the real property abutting thereon, shall be paid for out of the general fund of the city, and it shall be the duty of the street commissioner to make such repairs and keep said improvements in a cleanly condition, unless otherwise directed by the common council.

3d. All public highways, except streets and alleys and all crossings, cross walks, gutters and sewers at street crossings shall be constructed and kept in repair by the city.

4th. The expense of all surveys, maps, profiles, estimates, etc., for establishing the grade of streets, sidewalks, or for other public improvements shall be paid by the city.

SECTION 5. Section 2, of said sub-chapter 7, is hereby amended so as to read as follows: "Section 2. The expense of opening, grading, graveling, planking and paving streets, to the center thereof, in the manner and upon the grade established by the common council, by resolution or order, shall be chargeable to and a lien upon the lots abutting said streets along the line of such improvements. The construction of sidewalks, gutters and sewers, in the manner and upon the Section three of sub-chapter 7 amended.

grade ordered or established by the common council, shall be at the expense of the lot or lots in front of which the same shall be ordered: Provided that sewers ordered for the drainage of lots upon which there is stagnant water shall be paid for, the entire length, by the lots or parts of lots benefited thereby in such proportions as may be determined by the common council, without reference to the owner. But no order for the making of special improvements to be assessed against the adjoining lots shall be made by the common council unless upon the petition of a majority of the resident property holders interested therein, and who shall own at least one-half of the property fronting on such street or upon an unanimous vote of all the aldermen elect.

Section three of sub-chapter 7 amended.

SECTION 6. Section 3, of said sub-chapter 7, is hereby amended so as to read as follows: Section 3. Whenever any improvement provided for by this sub-chapter, shall be ordered by the common council, they shall cause an estimate of the whole expense thereof to be made and the proportion charged to each lot, and in case of grading or graveling of streets, the number of cubic yards of filling or excavation in front of each lot, which estimates shall be filed with the city clerk for the inspection of the public. Notice in writing shall be given to the owner or owners of the property chargeable with such improvements, if known, and if not known then to the occupants thereof, and by advertising in the official paper of the city for twenty days, requiring such owners or occupants to perform the work so ordered within reasonable time after the service of such notice or the publication thereof as aforesaid, and which time shall not be less than thirty days. In case the work or improvement so ordered shall not be performed by any such owner or occupant, within the time specified in such notice, then, and in that case, the working of such improvement shall be let by contract to the lowest bidder in the manner hereinbefore provided by this act and no work done under the provisions of this section by the owner of adjoining property shall be deemed completed until accepted in writing by the street commissioner.

Section four of sub-chapter 7 amended.

SECTION 7. Section 4, of said sub-chapter 7, is hereby amended so as to read as follows: Sec-

tion 4. Whenever any special improvement has been made under contract as provided in this act, and the same has been accepted and the work approved by the street commissioner and city surveyor, the contract price therefor shall be paid from the general fund of the city, and charged to the property liable for said improvement, and shall be assessed against such property in the next general tax roll of said city, and collected with other taxes chargeable thereon, and if notices to perform the work or make the improvements have been given as hereinbefore provided, no informality, error or irregularity in the proceedings shall invalidate or vitiate any such assessment.

Sections five, six and seven repealed.

SECTION 8. Sections 5, 6, and 7, of said sub-chapter 7, are hereby repealed.

Section six of sub-chapter ten amended.

SECTION 9. Section 6, of sub-chapter 10, of said chapter 162, is hereby amended so as to read as follows, viz.: Section 6. All property in said city, real, personal and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed in the manner hereinafter provided by the assessor elected under this act, who shall have and possess the same powers that are or may be conferred upon township assessors, and shall have the power, and it is hereby made his duty to assess a poll tax of one dollar upon each male inhabitant of said city between the ages of twenty-one and fifty years, unless specially exempted by law, and any person claiming exemption from such poll tax shall make and present an affidavit to that effect to the board of equalization, and such board shall be the sole judge of the fact.

Further amended.

SECTION 10. Said chapter 162, is hereby further amended by adding thereto a sub-chapter to be known as chapter 14, and which reads as follows:

CHAPTER XIV.

OF PUBLIC SCHOOLS — BOARD OF EDUCATION.

Nature of the amendment.

SECTION 1. The board of education shall consist of six school commissioners elected under the provisions of section 1, of sub-chapter 3, as amended by this act, who shall hold their offices for the term of two years, and until their successors are

elected and qualified; provided that the commissioners elected by the city at large and by the even numbered wards at the next annual charter election after the passage of this act shall only hold their offices for the term of one year, and at each annual charter election thereafter three members of said board shall be elected in place of those whose term expires in that year, and any vacancy then existing in said board shall be filled by the election of a commissioner in the ward or district where such vacancy exists, who shall only hold the office for the unexpired portion of the term of his predecessor. Any vacancy occurring in said board shall be filled until the next charter election by appointment of said board by two-thirds vote of said board and a majority of said board shall be a quorum for the transaction of all business.

Term of office defined.

SECTION 2. The term of office of said school commissioners shall commence within fifteen days after their election, and upon the first Monday of July, A. D. 1885, the present school officers of the public schools within said city shall render to said board of education a full account of all real and personal property, money and effects of the school districts of which they are officers, and turn said property, money and effects over to said board, who shall deposit the money with the city treasurer upon the account of the city school fund. Upon said first Monday of July, 1885, all the terms of office of school district officers of the school districts in said city shall cease, and thenceforth such district offices are abolished in said city, and the said board of education shall succeed to all the duties, liabilities and responsibilities of the school districts whose property they receive under the provisions of this act; provided, that the said board of education shall not before said first Monday of July, 1885, exercise or possess any power or jurisdiction over the public schools of said city.

CITY SUPERINTENDENT OF SCHOOLS.

City superintendent of schools.

SECTION 3. The school commissioners shall, at their first regular meeting in each year, or within fifteen days thereafter, elect some person with the necessary qualifications as city superintendent

of schools whose term of office shall commence on the first Monday of August of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

PRESIDENT OF BOARD.

SECTION 4. The board of education shall at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board, preserve order and decide all questions of order subject only to appeal to the board. He shall countersign all orders drawn on the school fund. He shall declare all votes taken on questions before the board, except when the ayes and noes are called. In absence of the president at any meeting the board shall elect a president *pro tempore* with all his powers and duties, except the signing of school orders on the treasurer of said city. President of the board.

MEETINGS OF THE BOARD.

SECTION 5. The board of education shall have one regular meeting in each month at such time and place as may be designated by them, and such special meetings as may be called by the president or any three members of the board; provided, that no special meeting shall be legal unless each member of the board shall be served with written notice of the time and place of said meeting. Meetings of the board.

POWERS AND DUTIES OF THE BOARD OF EDUCATION.

SECTION 6. 1st. The board of education shall, at their first meeting, after organization, determine the amount of salary to be paid the city superintendent of schools, per annum, to be paid monthly out of the school fund; and shall annually thereafter fix the amount of his salary at their last regular meeting in the school year. They shall also with said superintendent of schools form a board to examine all applicants for a license Powers of board of education.

to teach in said city, and no license to teach in said city shall be given to any person unless by authority of said board.

Number of teachers.

2nd. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid to each, and to hire and to make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate and one copy thereof filed with the clerk, and the other delivered to the teacher.

Terms of vacation.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and to secure uniformity of text-books, and to adopt or reject text-books at will.

Rules and regulations.

4th. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and common council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

TO MAKE CONTRACTS.

To make contracts.

5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school-houses not exceeding one hundred dollars in value for any one school-house; to make contracts for incidental expenses for carrying on the school-houses, such as lighting fires and other janitor's services, and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

TO AUDIT CLAIMS

To audit claims.

6th. To audit claims and demands upon the school fund.

STATEMENT TO COMMON COUNCIL.

7th. The board of education shall annually, on the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made with the teachers' and the amount of salary to be paid, and all other expenditures made or authorized by said board, at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the common council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amounts required for teachers' wages, and other items separately and specifically. Nothing in this section shall prevent the mayor or common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount of the county school tax for the ensuing year. Shall make statement to common council.

SECTION 7. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund for all expenditures that are authorized by this act, after the same shall be audited and allowed by the board of education; provided, that no orders shall be drawn against the school fund after the amount placed in the city treasury shall have become exhausted. Duties of president and clerk.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and any contract made by said board and every contract so made in which any member of said board shall have such interest shall be absolutely void. No member shall have any interest.

SECTION 9. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of of the board, be required for any one school-house Repairs of houses.

they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the common council, and whenever in their opinion another school-house or school-houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan for the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and common council, who shall forthwith take measures to raise a tax to defray the costs of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings be erected; and it shall be the duty of said board, in the name of the city of New London, to enter into contract for making such repairs, or for the erection of such buildings, or for the purpose of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and common council of said city.

DUTIES OF SUPERINTENDENT.

Duties of superintendent defined.

SECTION 10. The duties of the city superintendent of schools shall be as follows:

1st. In conjunction with the board of education to examine all the applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

2d. To annul a teacher's certificate for cause, provided that such teacher shall have the right of appeal to the board of education.

3d. To visit each school department of said city at least once in each month.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools in said city.

5th. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

6th. He shall attend to the meetings of the board of education and act as clerk thereof, and there make any suggestions he may deem advisable relative to the government of the schools of said city.

7th. He shall annually, at the time of making the statement of estimates for the ensuing year, apportion the whole amount so estimated between the several towns included in the joint sub-district and the city of New London upon the basis of the equalized assessment of the territory included in said joint district.

Repealing section.

SECTION 11. All acts and parts of acts conflicting with the provisions of this act are hereby repealed so far as they conflict with the provisions of this act, and it is further declared to be the intent of this act to deprive the superintendents of schools of Waupaca and Outagamie counties of all jurisdiction over the schools or teachers within said city of New London, and to exempt said city from all taxation on account of the salaries, etc., of said county superintendents.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1885.

[No. 311, S.] [Published April 18, 1885.]

CHAPTER 224.

AN ACT to amend an act, entitled, "an act to incorporate the city of Elroy."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section two amended.

SECTION 1. Amend section 2 of said act, so that when amended it shall read as follows: Section 2.

The west half of the southwest quarter and the south half of the southwest quarter of the northwest quarter of section number twenty-eight, the southeast quarter and the south half of the southeast quarter of the northeast quarter of section number twenty-nine, the east half of section number thirty-two, the west half and the southwest quarter of the southeast quarter of section number thirty-three, all in township number fifteen north of range number two east, in the county of Juneau and state of Wisconsin, being in part the territory now included in the village of Elroy, shall be included in and constitute the limits and boundaries of the city of Elroy.

Section 61 amended.

SECTION 2. Amend section 61, so that when amended it shall read as follows: Section 61. The common schools of the city of Elroy shall be under the control and supervision of the school-district board of each in the same manner as if this act had not been passed, and the same relation shall be sustained between the said city and such schools, as near as may be, as between towns and school-districts therein, and the same reciprocal powers and duties; and until otherwise provided by the common council of said city, the territory embraced within said city limits, and the inhabitants shall constitute one school-district; except that portion of said territory now belonging to school-district number one, of the town of Plymouth, which shall hereafter be known and constituted as joint school-district number one, of the city of Elroy and the town of Plymouth; and the officers of said school-district and of the city of Elroy and town of Plymouth shall be subject in all respects to the general law; shall be known as joint school-district number six, of the city of Elroy and the towns of Plymouth and Wonewoc, and shall consist of the territory heretofore belonging to joint school-district number six, of the towns of Plymouth and Wonewoc, and the officers of said school-district shall be the officers of joint school-district number six, of the city of Elroy and the towns of Plymouth and Wonewoc during their unexpired term and until their successors are elected and qualified, in accordance with the laws of the state of Wisconsin regulating school-districts; and all real and personal property belonging to joint school-district number six,

of the towns of Plymouth and Wonewoc, is hereby vested in joint school-district number six, of the city of Elroy and the towns of Plymouth and Wonewoc.

SECTION 3. Amend section 62, so that when amended said section shall read as follows: Section 62. The town treasurers of the towns of Plymouth and Wonewoc shall pay over to the school-district treasurer of joint school-district number six of the city of Elroy, and the towns of Plymouth and Wonewoc, all moneys which by present apportionment or those hereafter to be made for 1885, belong to joint school-district number six of the towns of Plymouth and Wonewoc. Section 62 amended.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1885.

[No. 263, A.] [Published April 6, 1885.]

CHAPTER 226.

AN ACT to amend chapter 313, of the laws of 1876, entitled, "an act to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof," approved March 11, 1876, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of title 2, of chapter 313, of the laws of 1876, as amended by chapter 133, of the laws of 1882, is hereby amended to read as follows: Section 3. There shall be elected annually at the municipal election by the qualified electors of the city a mayor, and a city marshal for a term of one year each, a justice of the peace for the term of two years, and one assessor for a term of three years; and biennially in every odd numbered year a city clerk for a term of two years, and in every even numbered year a city treasurer for a term of two years. There shall be Section 3 of title 2 amended.

elected at such annual election in each ward by the qualified electors thereof, one alderman for a term of two years, and one supervisor for a term of one year. Said officers shall enter upon the duties of their respective offices on the third Tuesday in April in the year of their election and hold their said offices for and during their respective terms, and until their respective successors shall be elected and qualified; provided, that no person shall be eligible to the office of city treasurer for two consecutive terms.

Section 12 of title 2 amended.

SECTION 2. Section 12, of title 2, of said chapter 313, as amended by chapter 26, of the laws of 1877, is hereby amended to read as follows: Section 12. In case of a tie vote or a failure in making an election of any officer, or in case of the dismissal of any officer, or when any officer elected or appointed for the city shall remove his residence without the limits of the city, or when any officer elected or appointed in and for any ward or division of the city shall remove his residence without the limits of such ward or division, or when any officer shall refuse or neglect for twenty days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in such manner or in any other manner in any office to be filled by an election by the people, the common council shall order a special election upon a public notice of ten days, to be given in like manner as notice is given of the general municipal elections for the election of a person to fill such vacancy, except as provided in sections five and sixteen of title 2, and may fill such vacancy (excepting in the office of mayor or alderman) temporarily by appointment, until the same shall be filled by a special election.

Section 2 of title 3 amended.

SECTION 3. Section 2, of title 3, of said act is hereby amended to read as follows: Section 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meetings of the com-

mon council, and shall vote only therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department and police; he may appoint as many temporary special policemen as he may deem necessary. He shall have power to administer oaths and to take acknowledgement of instruments. He shall have the power to remove, or to temporarily suspend from office, for misconduct or neglect of duty, the chief of police, or any police officer, and to temporarily suspend for misconduct in office or neglect of duty, any officer, elected or appointed by the common council, and to fill such office temporarily by appointment; but he shall report such action to the next regular meeting of the common council for their further action in the premises. He shall sign all drafts or warrants on the city treasurer, and all contracts on behalf of the city, and all ordinances, rules, by-laws and regulations passed by the common council, and he shall have the power to veto any ordinance, by-law, rule, regulation or appropriation passed by the common council, as provided in section 7, of title 4, of this act.

Section 5 of title 3 amended.

SECTION 4. Section 5, of title 3, of said act is hereby amended to read as follows: Section 5. The city clerk shall act as city comptroller and shall examine all estimates of works or improvements and all contracts authorized or proposed to be made by the common council. He shall sign all contracts authorized to be made by the common council by virtue of this act, and unless they be by him signed, they shall be of no validity. He shall in no case sign any contract on behalf of the city unless the means for paying the same shall have been provided for by the levy of taxes by the common council or unless the fund against which the expense accruing by such contract will be properly chargeable, shall be good for the amount over and above all other existing liabilities chargeable against it; and for a violation of his duty in this respect he and his sureties shall be liable on his official bond for all damages resulting to the city or any individual. He shall keep a full account of all the separate funds of the city, and of the several sums received to the credit of the same and of the several sums paid

therefrom respectively. Every draft upon the treasurer shall specify the particular fund upon which it is drawn, but the city clerk shall sign no draft or warrant on the treasurer, unless the particular fund upon which it is drawn shall then be good for that amount. Before any bill or account shall be allowed by the common council it shall be audited by the city clerk, who shall keep full account of the bills so audited and separate files of such bills against the several funds, and an account of all receipts into the treasury and all disbursements therefrom and of the contracts countersigned by him and of all claims for damages against the city.

Section 6 of title 3 amended.

SECTION 5. Section 6, of title 3, of said act is hereby amended to read as follows: Section 6. The city clerk shall report to the common council at their first meeting in every month the amount of all contracts, which have been entered into, chargeable against any fund of the city or of any ward thereof and shall perform such other duties as the common council by ordinance or resolution may direct. He shall make out and report to the common council at its first regular meeting in the month of March of each year a statement in detail of all the expenses of the city and the condition of the several funds, and revenue of the city for the preceding year. The fiscal year shall commence on the first day of March annually. The city clerk shall also keep a list of all bonds issued by the city, with a statement of the purposes for which they were issued, when and where and to whom payable and the rate of interest they respectively bear.

Section 9 of title 3 amended.

SECTION 6. Section 9, of title 3, of said act is hereby amended to read as follows: Section 9. The city treasurer shall on the Saturday preceding the first regular meeting of the common council in each month, report to the city comptroller the amount of money paid into the city treasury since the making of his last report. The city comptroller shall have the right at all times to examine all the records, books, papers, vouchers and accounts of the city treasurer, and it shall be his duty from time to time to compare his reports therewith. If the city treasurer shall, in the opinion of the common council, willfully neglect to make such reports as is required by this section

or shall willfully make a false report, or shall refuse the city comptroller access at seasonable times, to the records, books, papers, vouchers and accounts in his office, the common council may declare his office vacant and appoint a city treasurer in his place, who shall hold his office, until such office shall be filled by a special election as provided in section 12, of title 2, of this act.

Paragraph 2 of section 3 amended.

SECTION 7. Paragraph numbered 2, of section 3, of title 4, of said act, is hereby amended to read as follows: 2. To license, tax, regulate, suppress or prohibit public billiard halls, nine or ten pin alleys, bowling saloons, ball alleys, shooting galleries, theaters, opera-houses, ice and roller skating rinks or parks, concert saloons and other places of amusements.

Section 6 of title 6 amended.

SECTION 8. Section 6, of title 6, of said act, is hereby amended, as follows: Section 6. Before ordering such improvements to be made, the common council shall determine the amounts to which the real estate fronting on the street upon which such improvement is proposed to be made, will be specially benefited thereby, and assess against the several pieces or parcels of land, the proportion of such special benefit which they will severally derive from such improvement, when completed in the manner contemplated in the estimate of the cost of such work, made as provided by section 5, of this title; and in case the benefits, in its opinion, amount to less than the cost of the improvement, the balance shall be paid out of the ward fund of the ward or wards in which such improvement is made; provided, that the making of such improvement, and using the ward fund therefor, shall be approved by the aldermen of the ward interested, and that the sum chargeable to any ward may be raised by a ward tax in addition to the amount authorized to be raised in such ward as an annual ward tax.

Section 8 of title 6 amended.

SECTION 9. Section 8, of title 6, of said act is hereby amended to read as follows: Section 8. Thereupon, as soon as the common council shall have completed such assessment of benefits, they may advertise in the official paper of the city for bids for making such improvements, requiring bidders to give bond for the execution and performance of the contract in such amount as may be deemed proper, and if such bids are deemed too

high or above the estimate of the cost, they shall be rejected. Said contract shall be let to the lowest responsible bidder, and shall require the contractor to receive the certificates of special assessments upon or against the several lots or parcels of land which shall have been assessed with benefits to apply in payment of the contract price, as now provided by law, and shall further require that, in case said assessments or any of them, are not paid to the proper officers before the sale of the respective lots or parcels of land for said assessment by the county treasurer, said contract shall accept and receive in exchange for said certificates of special assessment certificates of tax sale upon said respective lots or parcels of land, and shall receive no money from the city until the money due on said special assessments or tax sale certificates shall have been actually paid into the city treasury.

Section 9 of title 6 amended.

SECTION 10. Section 9, of title 6, of said act is hereby amended to read as follows: Section 9. The owner of any lot or parcel of land, who feels himself aggrieved by such assessment as made by the common council, as to the proper proportion of the amount of benefits thereby determined to accrue to him by reason of any improvement and charged against his lot or parcel of land, may, within twenty days after such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for costs shall be given, and costs awarded therein in like manner as in case of appeal to the said circuit court, provided for in title 5, of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken, and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged, shall be paid by the city out of the proper ward fund to the appellant, but not until he shall have paid the certificate issued on such land.

Section 10 of title 6 amended.

SECTION 11. Section 10, of title 6, of said act is hereby amended to read as follows: Section 10. Such appeal shall be the only remedy or proceed-

ing in which the question as to the amount of benefits accruing to a parcel or parcels of land shall be litigated, and no error or irregularity or informality in the proceeding not affecting substantial justice shall in any way affect the validity of such special assessments.

Section 18 of title 6 amended.

SECTION 12. Section 18, of title 6, of said act as amended by chapter 77, of the laws of 1883, is hereby amended to read as follows: Section 18. The common council may cause the construction of breakwaters, parallel piling, sheet piling, piers or such other protections as may be planned or devised for the purpose of protecting the shores of said city against the encroachment of Lake Michigan, and defray the cost thereof by levying city and ward taxes, and special assessments upon real estate deemed to be specially benefited by such protection; and whenever lots or lands or streets are being washed away or encroached upon by said lake, the common council may cause the construction of such protection as may be deemed necessary to prevent such washing away or encroachments, in the manner hereinafter provided. Whenever twelve or more resident freeholders of a ward shall petition the common council for the construction of such protections, and the common council shall deem it necessary to construct any of the protections named in this section, the common council shall first cause plans and specifications, and an estimate of the cost thereof to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been ascertained, the common council shall direct an application to be made for the appointment of three special commissioners to determine the amounts to be charged as special assessments against any and every lot or parcel of land benefited by such proposed protections. Such application shall be made and such commissioners shall be appointed, and shall make their assessments of benefits and their reports thereof in all respects in like manner and with like effect, as provided in section 8, of title 5, of this act with regard to commissioners for the assessment of benefits and damages in the opening of streets. Residents of the ward in which such protections are to be made shall, however, be eligible to appointment

as such commissioners, if not directly interested in the proposed improvement, and in all cases one of such commissioners, and but one, shall be a resident of such ward. The officers and commissioners acting in the matter shall receive like compensation, as provided for in section 7, of title 5, of this act. If the aggregate amount of the special assessments shall be less than the cost of the improvement, the deficiency shall be borne equally by the respective wards in which such work is done and by the city at large, and special levies on such ward, and on the taxable property of the city, may be made for the purpose; provided, that not over two thousand dollars shall be levied or expended in any year by the ward nor by the city.

Section 1 of title 12 amended.

SECTION 13. Section 1, of title 12, of said act as amended by chapter 77, of the laws of 1883, is hereby amended by making the salary of the city treasurer not to exceed eighteen hundred dollars and the salary of the fire marshal not to exceed one thousand dollars.

Section 1 of title 13 amended.

SECTION 14. Section 1, of title 13, of said act as amended is hereby amended to read as follows: Section 1. The common council shall annually on or before the first Tuesday in September levy a tax upon all the taxable property in said city, sufficient to pay the salaries of the officers of said city, as in this act provided, and to meet the interest on the corporate debt, as provided by law, and for the purposes hereinafter named, to wit.:

1st. For a sinking fund to discharge the principal of the corporate debt, a sum not less than ten thousand dollars.

2d. For school purposes, including repairs of school-houses and incidental expenses, a sum not ex eeding thirty-five thousand dollars.

3d. A sum not exceeding four thousand dollars for harbor purposes.

4th. A sum not exceeding forty-five hundred dollars, for the building and repairing of bridges and culverts.

5th. A sum not exceeding eighteen thousand dollars for the fire department, from which fund the salaries of all the officers and employes of said department shall be paid.

6th. A sum not exceeding eight thousand dol-

lars for a police fund, from which the salaries of all police officers shall be defrayed.

7th. For a contingent fund such sum as shall be sufficient to pay the contingent expenses of the city not otherwise provided for, and the cost of the erection and repair of public buildings and public improvements; provided, however, that the aggregate sum of all levies for general city purposes shall not exceed thirteen and one-half mills on the dollar of the valuation of the taxable property in said city, as returned by the assessors for such year; excepting, that the common council, at the levy of taxes for the year 1885, may levy a sum of ten thousand dollars beyond the said limitation of thirteen and one-half mills, to be used for the finishing and furnishing of the city hall.

8th. In addition to the aforementioned general levies the common council may annually levy on the taxable property of the several wards, the following sums for ward funds for the repair of streets, lighting of streets and other ward purposes, viz.:

On the 1st ward not to exceed twenty-five hundred dollars.

On the 2d ward not to exceed twenty-five hundred dollars.

On the 3d ward not to exceed twenty-five hundred dollars.

On the 4th ward not to exceed two thousand dollars.

On the 5th ward not to exceed three thousand dollars.

On the 6th ward not to exceed twenty-five hundred dollars.

On the 7th ward not to exceed fifteen hundred dollars.

All moneys received from fines or penalties under the ordinances or regulations of said city, and all moneys received from licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund, when necessary. Said poor fund shall be disbursed from the treasury under such ordinances and regulations as the council may prescribe. All delinquent taxes and remittances shall be charged against the contingent fund.

Section 4 of title 13 amended.

SECTION 15. Section 4, of title 13, of said act, is hereby amended to read as follows: Section 4. The taxes received into the treasury shall belong to the said several funds in proportion to the several amounts of each fund, and shall be expended from such funds for the purposes only, for which such funds were raised, excepting as may be otherwise provided for in this act; but when money shall have been raised for any special purpose, and if there shall be a surplus left, after accomplishing such purpose and paying the expense thereof, such surplus may be transferred to the contingent fund, if such money shall have been raised by a general tax, or to the respective ward fund, if such moneys have been raised by a tax upon a ward only.

Section 1 of title 14 amended.

SECTION 16. Section 1, of title 14, of said act as amended, is hereby amended to read as follows: Section 1. After the completion of the assessment and correction of the assessment roll returned by the assessor, the city clerk shall within the time required by law, make an aggregate abstract of the assessment and statistics required by law, and return the same to the county clerk of Racine county, in pursuance with the general law; he shall also prepare a tax roll in the usual form with appropriate columns and headings for general city, ward, special, school, state and county taxes, on which he shall carry out opposite to the description of each parcel of land, and to the names of each person taxed, the appropriate proportion of the state, county and school taxes, as certified by the county clerk of Racine county, as the apportionment of taxes against the city, and the general city, ward and special taxes and assessments levied by the common council. To such tax roll shall be annexed, a warrant signed by the mayor and city clerk, and sealed with the corporate seal of the city, directed to the city treasurer, commanding him to collect the taxes and assessments therein specified. Such roll shall be delivered to the city treasurer on or before the second Monday in December in each year, and before being delivered to said treasurer, shall be compared by the clerk with the correct assessment roll; and he shall append to it his certificate, that the same has been so compared by him, and that the said assessment roll and the whole thereof has been

copied by him into said tax roll; and said tax roll, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Section 3 of title 14 amended.

SECTION 17. Section 3, of title 14, of said act as amended, is hereby amended to read as follows: Section 3. The city treasurer shall, upon the receipt of the tax roll, publish a notice in the official paper of the city, and in such other local paper as he shall deem proper, specifying that all taxes and assessments, whether upon real or personal property in said tax roll, shall be paid before the 10th day of January next ensuing, and that all taxes on personal property not paid by that day, will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes, and the publication of such notice shall be deemed and taken to be a demand, and failure to pay the taxes and assessments within the time limited in such notice, shall be deemed a refusal to pay the same. The city treasurer shall charge no fees for collection of taxes and assessments paid to and collected by him prior to the 10th day of January of each year, and shall charge and collect five per cent upon all taxes and assessments remaining unpaid on the 10th day of January of each year.

Section 4 of title 14 amended.

SECTION 18. Section 4, of title 14, of said act, as amended, is hereby amended to read as follows: Section 4. At the expiration of the time specified for the collection of taxes, the city treasurer shall proceed to collect the personal property taxes remaining unpaid by seizure and sale of the goods and chattels of the respective persons or corporations, and he shall have the same power to collect such taxes and to levy the same by distress and sale of the goods and chattels of the persons or corporations owing such taxes, and to sue for the same as is, or may be given to town treasurers. And the city treasurer may make a list of such delinquent taxes on personal property, and attach thereto his warrant directed to the chief of police of the city requiring and commanding him to collect such taxes of the persons or corporations liable to pay the same by the seizure and sale of their goods and chattels. The chief of police shall pro-

ceed to collect such taxes as directed and make return of the warrant, within the time to be specified in such warrant to the city treasurer, and the chief of police shall have the same powers to collect and levy such taxes by distress and sale, as is given to the city treasurer, and to his return he shall annex his affidavit that, after diligent search, he has been unable to discover any goods or chattels belonging to persons or corporations charged with such personal property taxes, as shall then remain unpaid on his tax list. The chief of police shall receive as compensation five per cent. collection fee upon all taxes by him collected, and in addition thereto, in case of a levy and sale, such further fees as are allowed to constables upon a levy and execution. The chief of police, before receiving such tax list, shall execute to the city treasurer a bond in such penal sum as the treasurer shall require, conditioned that he will account for and pay over to the city treasurer all taxes by him collected and make due return of his warrant as required.

Section 5 of title 14 amended.

SECTION 19. Section 5, of title 14, as amended, is hereby amended to read as follows: "Section 5. The city treasurer shall pay to the county treasurer of Racine county the state taxes apportioned to the city at the time provided by law, and shall at the expiration of the time set for the collection of taxes pay over to the said county treasurer the amount of the county taxes apportioned to the city, and the amount of the indebtedness to the county as certified by the county clerk. And at the same time he shall make a return to the county treasurer of the delinquent taxes and assessments on real estate remaining unpaid on his roll in manner and form as near as may be as required by law of town treasurers, except that the affidavit to such return shall be sufficient, if it state that the facts stated in his return are true, and that the taxes and assessments returned as delinquent were duly demanded and have not been paid. In said return the special assessments, which are the property of any contractor with the city, shall be set out separately, and if any of them shall remain unpaid at the time of the sale of lands for delinquent taxes, the lands upon which such assessments remain unpaid shall be sold for such assessments separately, and separate

certificates of sale distinct from other taxes shall be issued thereon as provided in section 12, of title 6, of this act, but all other special assessments, which are not the property of any contractor, shall be returned and be included in the tax sale with other taxes.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1885.

[No. 402, A.] [Published April 7, 1885.]

CHAPTER 227.

AN ACT to incorporate the city of Whitewater.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Corporate name.

SECTION 1. All that district of country in the county of Walworth hereinafter described, shall be a city by the name of Whitewater, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the City of Whitewater, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleaded and being impleaded, in all courts of law or equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. All that territory and section of country described as follows shall constitute the extent and limits of said city of Whitewater, to wit: Beginning at the northeast corner of the northwest quarter of section three, town four, range fifteen east, and running on the county line west, to the northwest corner of section five,

thence south on the section line to the southwest corner of the northwest quarter of section eight, thence east to the southeast corner of the northwest quarter of section ten, thence north to the place of beginning.

Ward boundaries.

SECTION 3. The city of Whitewater shall be divided into three wards, as follows, to wit: The first ward shall include all that part of said territory lying east of Whitewater creek and east and south of the grist mill pond. The second ward shall include all that part of said territory west of Whitewater creek and west and north of a line running along the center of the following streets: Commencing at the Main street bridge, along Main street to the intersection of Whitewater street, along Whitewater street to the intersection of Center street, along Center street to the intersection of Summit street, along Summit street to the intersection of West Center street, along West Center street to the intersection of Whiton street, along Whiton street to the intersection of Walworth avenue, along Walworth avenue to the western bounary of the city. The third ward shall include all the remaining part of said territory being that part south of said last named line, and west of first ward.

CHAPTER II.

OFFICERS — THEIR ELECTION.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, a superintendent of schools, three justices of the peace, one for each ward, two aldermen, one assessor, two school commissioners, one supervisor and one constable for each ward, which said officers shall hold their respective offices, as follows: The mayor for the term of two years, treasurer, superintendent of schools, assessors and constables, for the term of one year, the justices of the peace for the term of two years, the aldermen in each ward for the term of two years, and the school commissioners in each ward for the term of two years. The term of office of the said city and ward officers shall commence on the first Tuesday of May next after their election. Each of said officers shall continue in office for his respective term and

until his successor is elected or appointed, and has qualified, and shall have such powers and shall perform such duties as are prescribed in this act, or as may be prescribed by any ordinance of said city not incompatible with this act, or which may be incompatible with the nature of their respective offices.

Treasurer and supt. of schools to be elected annually.

SECTION 2. On the first Tuesday of May, 1885, and annually thereafter on the day fixed by the laws of the state of Wisconsin for holding the annual town meeting of the several towns of this state, the qualified electors of said city shall elect one treasurer and one superintendent of schools, which said officers shall be qualified voters and residents of said city.

Election of alderman.

SECTION 3. At the first municipal election under this act the qualified voters in each ward shall elect one alderman and one school commissioner for the term of two years from the first Tuesday in May, 1885, and one alderman and one school commissioner for the term of one year, from the first Tuesday in May, 1885, and thereafter one alderman and one school commissioner from each ward shall be annually elected for the term of two years.

Election of justice.

SECTION 4. There shall be elected at the charter election in 1885, and every two years thereafter, one justice of the peace in each ward who shall be residents and qualified electors of said ward, and shall each hold his office for two years.

Election of assessor.

SECTION 5. There shall be elected at the annual charter election in 1885, and annually thereafter one assessor, one supervisor, and one constable in each ward, who shall hold their respective offices for the term of one year, and shall be residents and qualified electors of said ward.

Election of mayor.

SECTION 6. There shall be elected at the annual charter election in 1885, and every two years thereafter, one mayor, who shall hold his office for the term of two years. All of said elective officers above named, except the superintendent of schools, shall be freeholders in said city, and the mayor, aldermen and assessors shall have been at the time of their election residents of said city for the term of three years.

In case of vacancy, how filled.

SECTION 7. In the event of a vacancy in the office of mayor or alderman by death, removal or other disability, the common council shall order a

new election, and shall give not less than five days' notice thereof; any vacancy in other offices shall be filled by the common council. The persons appointed or elected to fill a vacancy shall hold their offices and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the persons whose offices they may be elected or appointed to fill.

CHAPTER III.

ELECTIONS.

Annual election when held.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday of April of each year after the first year at such places as the aldermen of the respective wards may designate. The polls shall be kept open from nine o'clock in the forenoon until four o'clock on the same day, and there shall be given ten days' previous notice, that of the first election by the board of trustees of the village of Whitewater, and that of all subsequent elections by the clerk of said city, by publication in the papers of the city of the time and places of holding such election, and the city and ward officers to be elected. Also by posting at least five notices in each ward.

Elections to be by ballot.

SECTION 2. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may be *viva voce*, and a majority of the votes cast shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Elections how presided over and carried on.

SECTION 3. All elections shall be presided over by the aldermen in the respective wards, and the voters present at the hour of opening the polls shall elect by *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, and in case of the absence of both aldermen shall elect three inspectors, who shall be sworn in accordance with the laws of the

state. They shall appoint and swear one clerk, and shall see the names of voters registered, and the ballots safely deposited in the ballot-boxes; shall decide all questions that may arise as to the legality of the votes presented, and shall count the ballots at the close of the polls, and shall certify and seal two returns and on the day of the election, shall direct and return one of the said returns to the clerk of the common council, the other to the county clerk of the county of Walworth. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers, who shall, within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until four in the afternoon.

Who are entitled to vote

SECTION 4. All persons entitled to vote for county and state officers, and who shall have been a resident within the ward where they offer to vote for three days next preceding the time of holding said election, shall be entitled to vote for any officer elected under this act; a residence shall be construed to mean the place where such elector lodges, and if required shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years; that I am a citizen of the United States (or have declared my intention to become a citizen conformably to the laws of the United States on the subject of naturalization); and have been a resident of this state for one year immediately preceding this election, and a resident of this ward for three days immediately preceding this election; and I do further swear (or affirm) that I have made no bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election." All persons illegally voting, and all fraud, deceit or corruption at any election under this act, shall be punished according to the laws of this state, made and provided, for the punishment of illegal voting, fraud, deceit or corruption at any general election.

Eligibility to office.

SECTION 5. No person shall be eligible to hold

any office mentioned in this act unless he shall be at the time a resident elector of the city, nor shall any person be eligible to any ward office unless he shall be at the time, a resident elector in the ward in which such office exists.

In case of fraud, how detected and guarded against.

SECTION 6. If either of the inspectors of elections, or aldermen, shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to vote to take the oaths and affirmations which are provided by the laws of this state, and all the provisions of the laws of this state applicable to such cases shall be followed herein, except as is otherwise herein provided. And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the penalty provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment or information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars; all such indictments or information shall be tried in the circuit court of the county of Walworth.

SECTION 7. Special elections to fill vacancies, or

for any other purposes, shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as the general or annual elections. Special elections how conducted.

SECTION 8. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any city or ward officer who shall neglect or refuse to qualify on or before the first Tuesday of May following his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided by this charter; provided, that all the officers of said city shall hold their respective offices until their successors shall be elected, appointed and qualified, according to law. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment. Penalty for refusal to qualify.

SECTION 9. All the officers of the village of Whitewater now in office, shall hold their respective offices until their successors shall be elected, or appointed and qualified under this act; and the term of every officer elected under this act shall commence on the first Tuesday of May of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected, or appointed and qualified. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, four days' notice of the time and place of holding the election being first given. Village officers to hold until their successors are elected.

SECTION 10. The first election of officers under the provisions of this act shall be held on the first Tuesday in May, 1885. First election, when held.

SECTION 11. The city of Whitewater shall be represented in the board of supervisors of the county of Walworth by one supervisor from each ward to be elected as in this act provided. How city shall be represented.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

Oath of office to be administered to officers.

SECTION 1. Every person elected or appointed to fill any office or vacancy under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the city clerk; the treasurer, the marshal, the several constables and policemen, justices of the peace and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Whitewater a bond in such sum and with such sureties and such conditions as the common council may direct: and a common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor defined.

SECTION 2. The mayor, when present shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall be the chief executive officer of the city, and the head of the police and fire department; he shall appoint the police forces in such numbers as the common council shall direct, and in case of a riot or disturbance of the peace, shall appoint a temporary police; he shall communicate in writing to the common council once a year such information as he may deem necessary; and at all times give such information as the common council may require. The mayor shall have a casting vote only in case of a tie on the election of an officer by the common council.

Election of president of council.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause to discharge all the duties of his office, the

president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duty of mayor, shall be styled "acting mayor," and acts performed by them shall have the same force and validity as if performed by the mayor.

Duties of city clerk defined.

SECTION 4. The common council shall elect a city clerk; he shall keep the corporate seal, and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; he shall draw and sign all orders on the treasury (except as otherwise provided in this act) in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof, in books provided for that purpose and shall also keep an accurate account with the city treasurer and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury from the state, copies of any and all books, papers, instruments, or documents duly filed and kept in his office, and of the indorsements thereon and transcripts from the records of the proceedings of the common council certified by him under the corporate seal of the city, shall be evidence in all courts and places of the contents thereof and such indorsements, in like manner and of the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations, and shall perform such other duties as may be required of him by the common council or by the provisions of this act. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem.* and fix his salary. The city clerk shall be clerk of the school board and shall receive no compensation other than that hereinafter provided in this act.

Duties of city attorney.

SECTION 5. The common council may elect a city attorney, who shall perform all professional services incident to the office as prescribed by or-

dinance or resolution, and when required shall furnish written opinions to the common council or its committees.

Duties of city treasurer defined.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; all money of whatever description, raised by tax, license, fine, penalty, forfeiture or otherwise, for city purposes, shall be paid into the city treasury. He shall collect all taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers, when not prescribed by this act, as control and govern treasurers of towns, and shall be subject to the same liabilities; provided, that he shall receive no fees for his services, except as hereinafter provided. He shall pay all orders drawn upon the treasury by order of the common council, or as is otherwise authorized, out of the proper funds. He shall report to the common council quarterly, a full and detailed account of all receipts and expenditures, after the date of the last quarterly report, which statement shall be filed with the city clerk; and at the expiration of his term of office, shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The books kept by said treasurer shall be open to inspection by any person at all reasonable times. At the expiration of his term, the said treasurer shall file all assessment or tax rolls in his hands in the office of the city clerk; said assessment and tax rolls shall be substantially bound annually, and shall remain of record in the clerk's office.

Duties of marshal defined.

SECTION 7. The common council shall elect a city marshal. The marshal shall attend all meetings of the common council and shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of fines and license moneys; he shall be the keeper of the city lock-up, and shall possess the power of constables at common law or as given by the laws of this state, and shall receive like fees; he shall have power to appoint one or more deputies to be approved by

the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and all writ and process issued by any justice within the county of Walworth, directed to any constable therein, shall be deemed as if also directed to said marshal, and he may serve any criminal process or processes for the violation of any city ordinance in any part of the state. It shall be the duty of the marshal or of any constable in the said city of Whitewater, and he or they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making an improper noise or disturbance, or by firing guns, or fighting or threatening to fight, or in any other manner disturbing the public peace, or who shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order therein, and such justice shall have power to hear, try and determine all such offences, and any person convicted of any offense specified in this act, where no other punishment is provided by law or by any ordinance of said city, shall be punished by fine not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justice; and in all cases the justice shall impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper; but in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

Arrest and trial of prisoners.

SECTION 8. Any person making any arrest under the provisions of this act, may, if necessary, commit the person arrested to said jail or lock-up

without process, and such person shall be delivered up to such officers by the keeper of said jail, or lock-up, on demand and without process, the person so confined shall be taken before a justice of the peace within twenty-four hours (Sunday excepted) after such complaint, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint be filed by some other person, and process duly issued within the time specified after the committal.

Duties of superintendent of schools defined.

SECTION 9. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making application for schools (examinations to be public and in the presence of the board); shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools; he shall also be especially charged with the care and custody of the several school-houses of the city, and under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all the school-houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least once in each month, and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties, with respect to such schools, as the board may assign him. It shall be the duty of the superintendent between the first and fifteenth days of October in each year, to make and transmit to the county clerk of the county of Walworth, a report in writing, bearing date the first day of October, in the year of its transmission, stating:

1st. The number of schools taught within the city, and the length of time they had been taught by qualified teachers.

2d. The total amount of public money received for the use and benefit of such schools.

3d. The number of children taught in the common schools of the city, and the number of child-

ren residing in the city over the age of four and under the age of twenty years.

4th. The manner in which the public moneys have been expended and whether any, and what part remains unexpended, and for what cause.

5th. The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor, the amount of taxes raised for the purchasing, repairing and insuring of school-houses, for the purchase of school-house sites, for building, hiring, for fuel, for district libraries, or for any purposes allowed by law in said city, since the date of the last preceding reports, with such other information as the state superintendent may, from time to time, require.

Superintendent of streets.

SECTION 10. The common council of said city may, from time to time, and at such time or times as it shall deem necessary, elect some suitable person superintendent of streets, and by ordinance or resolution provide for and fix his compensation per diem, and prescribe his powers and duties, and remove him from office at pleasure by a majority vote of said common council, at any time the said common council may deem proper; and the said superintendent of streets shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized by the common council. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water-courses within the city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide. The superintendent of streets shall monthly report to the common council a correct statement of the labor expended by him on streets or sidewalks, and the names of the persons by him employed for street work, and the amounts to which they are entitled; and the superintendent of streets shall also perform all the acts and duties imposed upon him, or prescribed by any ordinance or resolution of the common council,

and the said superintendent of streets shall, at all times, be under the direction and control of the common council, and shall expend no more money upon streets than the common council may, from time to time, order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

Common council may require other and further duties.

SECTION 11. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to fix the compensation of the marshal, clerk, assessor, watchmen, and superintendent of streets, at the commencement of the year, and which shall not be increased or diminished during the term such officer shall remain in office.

Printing to be provided for annually.

SECTION 12. The common council shall annually provide that all printing authorized and required by them to be done for their use for the city, shall be let to the lowest responsible bidder for the term of one year, and may require sufficient security for the faithful performance of said contract. All ordinances, resolutions, notices and other proceedings required by this act, or by-laws or ordinances of the common council, to be published shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinances, by-law or proceedings have been published and such affidavit shall be evidence of the publication of such ordinance, resolution, by-law or proceeding.

Penalty for failure to deliver to successor.

SECTION 13. If any person, having been an officer in said city, shall not, within ten days after notification and request deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

SECTION 14. The mayor, sheriff of Walworth

county, each and every alderman, justice of the peace, marshal, constables and watchmen, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the by-standers, and the mayor, president and marshal may command the assistance of all by-standers, and if needful, of all citizens; and if any by-standers shall refuse to aid in maintaining the peace when required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings. Officers of the peace.

SECTION 15. The common council may elect a city surveyor, who shall be a practical engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council. Election of city surveyor and his duties.

SECTION 16. The justices of the peace provided for in this act shall hold their offices in the city of Whitewater, and at such places as the common council may designate, and shall have the same rights, powers and jurisdictions as justices of the peace elected in towns; and shall have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; and try all offenses against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offenses against the ordinances of the said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fine under the ordinances, defendants shall have the same right to an appeal, under the same provisions and requirements, as Justices of the peace and their jurisdiction.

now are or may be provided for taking appeals from justices of the peace.

Justices of the peace to make annual report.

SECTION 17. On the first day of May in each year, or within ten days preceding said date, every justice of the peace before whom any proceedings have been had under this act, shall report to the common council the names of all persons brought before him under this act, for what cause, the final disposition of the complaint, the amount of costs which have accrued upon such complaint chargeable to the city (if any), to whom such costs are payable, and the amount of fines received by him in each case.

Salaries payable monthly.

SECTION 18. All salaries paid by the city to officers or others shall be payable monthly at the end of each and every month, except assessors, who shall be paid at the conclusion of their duties each year.

CHAPTER V.

THE COMMON COUNCIL — ITS POWERS AND DUTIES.

Powers and duties of common council.

SECTION 1. The municipal government and the corporate authority of the city of Whitewater shall be vested in the mayor and common council. The board of aldermen, consisting of two members from each ward, shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Whitewater do ordain," etc. The common council shall meet at such time and place as they by resolution, shall direct; a majority of the aldermen shall constitute a quorum.

Stated and special meetings may be held.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the aldermen, to be served personally or left at their usual places of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualifications of its own members, and shall have power to compel the attendance of absent members.

Management and control of finances.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided; and shall likewise, in addition to all other powers herein vested in them,

have full power and authority to make, enact, ordain, establish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations, for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations, and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state; and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulations:

Licenses.

1st. To license and regulate taverns, saloons, victualing-houses, and all persons vending or dealing in ardent, spirituous, wines, fermented, or intoxicating drinks of any kind, including ale and beer, and prescribe the amount paid for such license and the time when it shall expire by limitation, or for a violation thereof; and to revoke any license at pleasure, and require as a condition of granting any license such bond and with such conditions, as the common council may direct; provided, that no license shall be granted, in violation of any general law of the state, nor shall the amount of license fixed in any case, be less than the minimum amount required by the general law of the state, in like cases.

Gambling houses, etc.

2d. To tax, license, regulate and suppress, or prohibit the keeping of billiard tables, pool tables, nine or ten pin alleys, bowling saloons and ball alleys for the purposes of gain and prescribe the hours within which the places where the same are kept may be opened.

Shows and showmen.

3d. To license, take, regulate, suppress or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities,

caravans, circusses, theatrical performances, and all other exhibitions and amusements.

Prohibit gambling.

4th. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city; and to restrain and prohibit the keeping open of groceries, shops, stores, saloons and other places of amusement or business on Sunday, in said city, and to prohibit the performance of secular business on that day.

Riots and houses of ill-fame.

5th. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Cleanse nauseous places.

6th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

Regulate breweries and other establishments.

7th. To direct the location and management of, and regulate breweries, tanneries and packing-houses; and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

8th To establish and regulate public markets, determine their location and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers and provisions.

9th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, fruit, eggs and other provisions in the city, and cause the seizure and destruction or other disposition of tainted or un-

wholesome meats, butter, vegetables, fruit or provisions.

Gunpowder and combustibles.

10th. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

Use of lights, etc.

11th. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Shooting of fire-arms.

12th. To prevent shooting of fire-arms and fire-crackers, and to prevent the exhibition or use of any fire-works, at any time or in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof or fishing from any bridge, street, alley or sidewalk.

Incumbering streets, alleys, etc.

13th. To prevent the incumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material or in any manner whatsoever.

Horse-racing and immoderate driving.

14th. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals; and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Bathing.

15th. To regulate and determine the times and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Vagrants and prostitutes.

16th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain cattle.

17th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners

of any such animals for a violation of any ordinance in relation thereto.

Dogs. 18th. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Licensing of dogs. 19th. To provide for licensing the keeping of dogs in the said city, at a sum or rate of not less than one dollar nor more than five dollars a year for each dog and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed, whenever the same may be found within the said city, and of all licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

Hackmen, etc. 20th. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise; who may pursue like occupations, with or without vehicles, also to license bill posters and prescribe their compensations.

Hoops, kites, etc. 21st. To prevent and regulate the rolling of hoops, flying of kites, playing of ball, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Contagious or infectious diseases. 22d. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds.

Abatement of nuisances. 23d. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

24th. To provide and hold cemetery grounds

for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine and imprisonment, of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery plants, grave-stones, monuments, railings, buildings or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds in the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals; to appropriate such sums at any time as may be necessary to keep the cemetery grounds within the city limits in good repair, whether the said grounds be held in the name of the city or of any cemetery association or religious body, and such sums may be expended and repairs made under the direction of the city officers, or by such association or religious body with the consent and approval of said city officers. Cemetery grounds.

25th. To abate and remove all nuisances under the ordinances or at common law, and punish the author thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of said city, or within its jurisdiction, by indictment or otherwise. Removal of nuisances.

26th. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substance or any putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default to authorize the removal or Putrid carcases or unwholesome substances.

destruction thereof by some officer or officer of the city, at the expense of such person or persons.

Pest-houses. 27th. To erect or establish one or more pest-houses, when deemed necessary, and control and regulate the same.

Ringing bells, auctioneers, etc. 28th. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers and others, for the purpose of business, amusement or otherwise.

Steam whistles. 29th. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Control and regulate streets 30th. To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

Removal of snow and dirt. 31st. To compel owners or occupants of buildings or grounds to remove and keep snow, ice, dirt, or rubbish from the sidewalk, street, or alley opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and on their default, to authorize the destruction or removal thereof, by some officer of the city, at the expense of such owners or occupants.

Control of streets and alleys. 32d. To control, regulate, repair, mend and clean the streets and alleys, bridges, side and cross walks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and prevent the incumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used therein.

Riding or driving on sidewalks. 33d. To prevent all persons from riding or driving any horse, ox, mule, cattle, or any other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Pounds. 34th. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs.

Lighting of streets. 35th. To erect lamps and regulate the lighting thereof; and to provide for lighting the streets and public buildings, with gas or otherwise.

Weighing and sale of hay, coal and lime. 36th. To regulate the weighing and sale of hay and the places and manner thereof; to regulate

the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties.

37th. To regulate the times, places and manner of holding public auctions and vendues. Public auctions.

38th. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops, and places for the sale and purchase of second hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers, transcient dealers and runners, or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift bookstores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars per year, nor greater than at the rate of one hundred dollars per year for carrying on either of the said trades, kinds of business or employment. Licensed auctioneers.

39th. To regulate or prohibit the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood, or other combustible material within the fire limits of said city. Lumber yards.

40th. To establish and regulate public grounds. Public grounds.

41st. To regulate the speed of locomotive engines within the city, and to direct and control the location of railroad tracks, etc. Locomotives and engines.

42d. To appoint watchmen and policemen, and

Watchmen and policemen. regulate the police and prescribe their duties, and fix their compensation.

Number houses. 43d. To compel the owners and occupants of all houses, stores and other buildings within the city to number the same in such manner as the common council may from time to time prescribe.

Weeds a public nuisance. 44th. to declare the weed commonly called the Canada thistle and other noxious plants and weeds on lots, parts of lots, railroad tracks and streets, and lands in said city, a public nuisance, and to proceed to abate the same as the said city is authorized by law to abate other nuisances.

Impose fines. 45th. To impose fines for all violations within the limits of the said city of the general laws of the state, when in their judgment it is necessary for the peace and good order or for the health of the said city.

Ornamental trees. 46th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Purity of waters. 47th. To preserve the purity of waters of the streams, ponds or lakes, to prevent any use of the same, or any act in relation thereto, inconsistent with, or detrimental to the public health, or calculated to render the waters of the same or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances, filth or logs or floating matter; to prevent and remove all obstructions therein and punish the authors thereof.

Education of children. 48th. To authorize the taking up, and to provide for the safe-keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.

Arrest and imprisonment of vagrants. 49th. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves are without employment, idly loitering or rambling about or staying in drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire engine-houses, or who shall be found trespassing in the night time upon the private premises of others, or beg-

ging, or placing themselves in the streets or other thoroughfares or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune-telling, place of cock fighting or other device; all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Concealed weapons.

50th. To regulate and prohibit the carrying or wearing by any person under his clothes or concealed about his person of any pistol or revolver, or sling shot, or cross knuckle, or knuckles of lead, brass or other metal or bowie-knife, dirk-knife, or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons.

Unsafe building.

51st. To prevent and prohibit the erection and maintenance of any insecure or unsafe buildings, smoke stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Fire-escapes.

52d. To declare that it shall be unlawful for any hall, theater, opera-house, church, school-house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled in case of alarm.

Expenditure of money.

53d. To authorize and direct the expenditure each year of a sum of money not exceeding a total amount of one-fourth of one per centum of the taxable property of the city, unless authorized thereto at any general or special election by a vote of the electors of said city, upon any road or roads leading to the city within six miles of the limits thereof.

When ordinances shall take effect.

SECTION 4. Every act, ordinance, by-law, regulation, resolution or appropriation, which shall have been duly passed by the common council, before it shall take effect, and within four days after its passage, shall be presented to the mayor, by the city clerk, for his approbation. If he approve, he shall sign it; if not, he shall return it within five days, with his objections stated in

writing to the city clerk, and the clerk shall submit such objections to the common council at their next meeting thereafter, who shall enter said objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if after such reconsideration two-thirds of the members elected should vote to pass such act, ordinance, by-law, regulation, resolution or appropriation, it shall take effect and be in force as an act or law of the corporation, otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken for yeas and nays and entered upon the journal of proceedings of the common council. If the mayor shall not return any act, ordinance, by-law, regulation, resolution or appropriation so presented to him within five days after such presentation thereof, it shall take effect in the same manner as if he had signed it; and in case said ordinance, act, by-law, regulation, resolution or appropriation shall not receive the signature of the mayor, the certificate of the city clerk shall be attached thereto, showing the manner in which the ordinance, act, by-law, regulation, resolution or appropriation, was passed and acquired its validity. Before any such acts, ordinances, by-law, regulations, or appropriations, shall be in force, they shall be published in the official paper of said city, and together with the affidavit of publication, shall be recorded by the city clerk in books provided for that purpose. The time and manner of publication may be proven by the original affdavit of publication or by the recorded copy thereof, or in case of the loss and destruction of either the original affidavit or act, ordinance, by-law, regulation, resolution or appropriation, or the book or books containing a record of the same, the contents of the affidavit, act, ordinance, by-law, regulation, resolution or appropriation, as well as the fact of recording the same, or any of them, or any matter or thing therein contained, may be proven by parole testimony.

Shall not bar or hinder suits.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, dis-

orderly taverns, and houses and places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examination and adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council, in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement and adjustments.

Expulsion of members.

SECTION 7. The common council shall have power to expel any member of said council from his seat as a member of said council, and from his office as alderman, or for any violation of his oath of office; provided, that no such member of the council or alderman shall be expelled unless a majority of the aldermen elect vote for such expulsion.

Shall not be interested in any job or contract.

SECTION 8. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Power to lay out and open streets.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge, widen or extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders, residing in the city, shall, by petition, represent to the common council, that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging, widening or extending the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioner; the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such lands, in case such owner of owners shall reside in the city of Whitewater, and to the occupant or occupants of such lands, if any there be, which notice may be served personally, or by leaving the same at the place of business, or at the residence of such owner or owners, occupant or occupants, or if any of said lands shall not be in the actual occupation of any person, not owned by any resident of said city, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in a public newspaper printed in the city of Whitewater, for two successive weeks, at least once in each week.

What the notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named not less than ten days from the service of such notice or the expiration of such publication as the case may be, application will be made to the county judge of the county of Walworth, or a court commissioner in and for said county, and, if the latter, stating his

name and residence for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purpose specified in said petition, and, if so, to assess damages; but the officer to whom such application is made must not be an owner or otherwise interested in any of the lands proposed to be taken or used.

Freeholders to be appointed as jurors.

SECTION 3. Upon presentation of such application and upon proof of the publication of service of the notice hereinbefore required, the said judge or court commissioner, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purpose specified in such application.

In case any juror be disqualified or refuse to act.

SECTION 4. If any juror so appointed shall be disqualified or shall refuse to act, at any time before the completion of their final award, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to give notice when and where they will view the premises.

SECTION 5. The said jurors shall give notice of the proceedings to be taken, of the time and place, when and where they will view the premises in question, to the owner or owners of such land in case they shall reside in the city of White water, and to the occupant or occupants of such land if any there be, which notice may be served personally or left at the place of business, or residence of such owner or owners, occupant or occupants, at least five days before the view will be made, and in case any of said lands shall not be in the actual occupation of any person nor owned by any resident of said city, the said jurors shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in said city, for two successive weeks. The said jurors having first taken the oath hereinafter provided for, and on the day stated in said notice, shall proceed in a

body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report to be made after viewing the premises.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

Amount of damages to be paid to owner.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, and after having taken the oath hereinafter provided for and giving notice of the proceedings to be taken, in the manner and as provided by section 5, of this act, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited such damages to the common council; and after the jurors shall have made their report as to the taking or use of any lands or premises under this act, and the same have been confirmed, the common council shall have power to appoint new jurors, in the place or any who shall neglect or refuse to serve in ascertaining the amount of compensation as above.

In case there is a building standing in whole or in part.

SECTION 8. If there should be any building standing in whole or in part, upon the lands to be taken, the jurors, before proceeding to make assessments, shall first estimate and determine the whole value of such building to the owner, beside the value of the land, and the injury to him in having such building taken from him; and secondly the value of such building to remove.

Ten days personal notice of determination shall be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or

left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in said city for two successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

In case owner refuse to take the building.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, given ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Premises to be viewed within the time limited.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners, the value of the real estate so proposed to be taken or used, and the injury arising to them respectively, in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement, in the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove in such case they shall only include the difference between such value and

the whole estimated value of such building or buildings.

Jurors shall assess the damages.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names

In case lands belong to different persons.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate in it less than an estate in fee, to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements.

Award shall be signed by jurors.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Land shall not be appropriated until damages be paid or tendered.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or, in case said owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purposes of examining and repairing said sewers and drains.

All covenants shall cease.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance, shall be taken or used by virtue of this act, all the covenants, contracts, or engagements or liabilities relating to the same or

any part thereof, shall, after the expiration of the time for appealing as hereinafter provided, respectively cease and be absolutely discharged.

Also in case only a part of land be taken.

SECTION 17. When only part of the lot or tract of land or other premises so under lease or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

Damages assessed in each part shall be paid or tendered.

SECTION 18. The damages assessed on each separate lot or tract shall be paid, tendered, or deposited as herein required, within one year from the confirmation of such assessments and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid, shall be void.

In case of legal disability.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under disability, the judge of the circuit court of Walworth county, or the county judge of said county, may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall each take an oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge or court commissioner shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve. Said jurors shall each be paid the sum of two dollars per day, by said city, for each day actually spent by them in the discharge of their duties.

How appeal may be taken.

SECTION 21. The common council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Walworth county from the decision of said jurors so far as it affects the interest of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party, other than the common council, shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditioned to pay all costs of said appeal, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case court increases or diminishes damages.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished, upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby.

Accurate survey and profile to be made.

SECTION 23. Whenever any streets, alleys, or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacation of streets and alleys.

SECTION 24. No street, alley or part thereof shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley, in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Shall not apply to unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directions only directory.

SECTION 26. All the foregoing directions given in this chapter, shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this

chapter, of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VII.

IMPROVEMENT OF STREETS.

Survey of streets to be made.

SECTION 1. The common council may cause a survey of all or any streets to be made, and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof to enable the same to be fully understood, which grades shall be strictly complied with (unless altered and modified as hereinafter provided), in the opening and grading of all streets, and in the erecting of all bridges, sluices, water-courses and drains, and in constructing all sidewalks, platforms, cross walks and alleyways.

New survey may be made.

SECTION 2. Upon the application in writing of the resident owners of three-fourths of the lots upon any street or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter all such grade, or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Damages for change of grade.

SECTION 3. Any person not being a signer of such application who shall have sustained damage by such change of grade, shall have this right of action against the city for the recovery of the same; provided, that no suit shall be brought against the city for the recovery of such damages until the application shall have been made to the common council, and said common council shall have refused or neglected for three months to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Building sidewalks, how ordered.

SECTION 4. Whenever the majority of the resident property owners on one or both sides of any street or part of a street shall petition the common council for that purpose they shall order a sidewalk or sidewalks to be built which shall be constructed upon the proper and established grade

of any street or part of street in said city, of such width, in such manner, of such materials and in such time as the common council by the ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract sufficient to pay the costs of constructing the same; provided, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order, requiring the construction of such sidewalk, by the publication of the same in the official paper of said city.

Repair of streets.

SECTION 5. Whenever the superintendent of streets and the common council shall deem it necessary to repair or rebuild any sidewalk within the limits of said city, when the same is out of order or decayed, said street superintendent shall cause the same to be properly done and report the cost of said repairs to the common council. And in case any such walk is unsafe or dangerous it shall be the duty of the superintendent to repair it at once and report the cost thereof to the common council, and the same shall be paid out of the general fund of the city.

Stagnant waters.

SECTION 6. The council shall give written notice to all owners or occupants of lots upon which stagnant waters may be, which may be deemed injurious to health by reason thereof, to abate such nuisance by draining or filling such lot within a reasonable time, to be specified in such notice, and if such nuisance shall not be abated or removed within the time so specified the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

SECTION 7. The common council of the city of Whitewater shall have power to cause any street, highway, lane or alley, or part of any street, highway, lane or alley, in said city to be graded, worked, graveled, macadamized and repaired, and to cause any sidewalk, cross walks, drains, sewers, gutters and culverts to be made therein as it shall be deemed necessary, and the same shall be repaired or relaid as may be ordered by the common council. The common council prior to ordering by resolution, ordinance or otherwise, any street, highway, lane or alley, or any part thereof, to be graded, worked, macadamized, graveled, or any sidewalk, sewer, drain, gutter or culvert to be made therein shall cause a plain and accurate specification of the proposed work to be prepared and filed with the city clerk. The common council shall cause to be published in the official paper of said city, such specifications with a notice signed by the clerk, that on a certain day fixed in said notice, at least eight days after the first publication thereof, the common council will proceed to act in relation to the work mentioned in such specification; and said notice shall specify that sealed proposals for the performance of said work will be received by the city clerk up to the time fixed in said notice for the opening of such proposals. Upon the day mentioned in the above required notice, all such proposals shall be opened in the presence of the common council, when the said common council shall determine which is the most favorable of such propasals, and may, by a vote of a majority of its members, accept such proposal, and authorize and direct the construction of the proposed work, and direct the expense thereof to be assessed in the manner hereinafter specified; provided, however, that the common council are hereby authorized to reject all of said proposals, if in their opinion they shall be deemed unreasonable. The common council may require the person or persons whose proposal or proposals may be accepted, to execute a bond with one or more sureties, to be approved by the mayor, and in such penalty as the said council shall determine conditioned that the person whose proposal has been accepted, shall perform the work mentioned in such proposal at the price and upon the terms proposed, according to the published plan and

Grading streets and how ordered.

specifications, and subject to the approval and supervision of the superintendent of streets and the aldermen of the ward in which said work is to be done, and the expenses thereof shall be paid out of the general fund of the city.

CHAPTER VIII.

FINANCES AND TAXATION.

City funds.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner.

What city orders shall specify.

SECTION 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city, except taxes levied for school purposes.

How debts may be contracted against the city.

SECTION 3. No debt shall be contracted against the city, or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and a vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act; and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any purposes.

Forfeitures and penalties.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money accruing for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recorded in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

SECTION 5. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable. All property subject to annual taxation.

SECTION 6. On or before the first day of June of each year, the assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic, shall be affixed the value of personal property assessed to each. When there are any buildings or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately. Assessment roll to be made out.

SECTION 7. The mayor, city clerk, the city treasurer and the assessors of the several wards, shall constitute a board of review; said board shall meet annually on the last Monday of June, at the common council room; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an ac- Board of review.

curate record of all its proceedings. The board may adjourn from day to day until its business is completed. Said board of review so constituted, shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state.

Return of assessment roll.

SECTION 8. Immediately after the final adjournment of the boards of review in each year, the assessors shall return their assessment rolls to the common council by depositing the same with the city clerk. The common council may supply omissions in said rolls, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessor.

Tax levy when determined.

SECTION 9. On the first Tuesday of July in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes not to exceed five mills on the dollar for any one year and also the amount necessary to be levied for school purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Abstract of assessment roll to be transmitted.

SECTION 10 Before the annual meeting of the board of supervisors of the county of Walworth, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded as a town for equalizing levy of taxes.

SECTION 11. The board of supervisors shall regard the city of Whitewater as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

Clerk to make out tax roll.

SECTION 12. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of

taxes so levied to be certified to the city clerk, in manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Tax roll as made out to be prima facie evidence.

SECTION 13. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax roll, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Whitewater," and shall be preserved by said clerk, as a record in his office, and shall have the same legal force and effect as the records of the common council.

Warrant to be appended to tax roll.

SECTION 14. The tax roll made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying taxes, from the election of officers to the completion of the tax roll inclusive, has been done, regularly and correctly as required by law.

Collection of tax roll.

SECTION 15. Immediately after making out the tax roll as aforesaid a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall on or before the 25th of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and charge the amount of the tax roll to the treasurer.

Delinquent tax list.

SECTION 16. The city treasurer upon receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities or restrictions as a town treasurer, except as otherwise provided in this charter. The city treasurer

shall collect one per cent. fees upon all taxes paid before the tenth day or January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes and collected with the same, and such fees shall be in full for his compensation.

Delinquent tax list.

SECTION 17. On or before the fifteenth day of February of each year, the said treasurer shall make out and file in his office a list of all lands and lots upon which the taxes have not been paid.

Special taxes.

SECTION 18. All real estate exempt from taxation by the laws of this state, within said city, shall be subject to special taxes for the building of sidewalks, the repairing thereof and improvements of streets in front of the same.

How delinquent taxes may be collected.

SECTION 19. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed, in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell, on the second Tuesday in April in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Walworth, and the said sale shall in all cases, be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser and a description of the premises sold, the amount paid therefor, the rate of interest the same may bear, and the time when the right to redeem the same will expire. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners, if known; and the said treasurer and clerk shall record such state-

ment in a book kept for that purpose by each of them in their respective offices, and all sales so made and the certificate so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

In case there is no bid.

SECTION 20. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city, and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor, for the amount and interest, and to indorse and transfer such certificates to the purchaser.

In case purchaser refuse to pay.

SECTION 21. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold at such time as the treasurer shall designate, he shall on the day following offer said lot or parcel of land again for sale.

Redemption of lands.

SECTION 22. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the city treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum and legal charges thereon. And said treasurer shall deliver to the person making the same, duplicate receipts for such payments, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment, and the name of the person paying the same; and the treasurer shall also enter on the list kept by him, opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor, and the time when paid. The person to whom such duplicate receipts

are given shall present them to the city clerk, and thereupon said clerk shall countersign one of said receipts and return it to the person entitled thereto, and retain the other and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him, as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of such taxes as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk unless the same shall first be countersigned by such clerk.

Conveyance of lands to purchaser, how consummated.

SECTION 23. Any lot or parcel of land sold in pursuance of the provisions of this act, or any part thereof, which shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hands and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same; provided, the general law in regard to the filing of affidavits of service of notice to the owner or occupant or of non-occupancy has been complied with. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon, and such deed duly witnessed and acknowledged, shall be *prima facie* evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, and the city clerk shall annually, within the last six months prior to the expiration of the time limited for redeeming lands sold for taxes, cause to be published in some newspaper printed in said city once a week for twelve successive weeks a list of all unredeemed lands, specifying each tract or lot sold, the name of the person to whom assessed, if any, and the amount of taxes, charges and interest calculated to the last day of

redemption, due on each parcel, tract or lot of land, together with a notice that, unless such lands be redeemed on or before the day limited therefor, naming the same, they will be conveyed to the purchaser and holder of the certificate of sale. The fees for said publication shall be the same as now are allowed by law for publishing lands sold by county treasurers, and the same shall be charged against the lots of lands so advertised and sold for taxes.

What is required to be proved to perfect title.

SECTION 24. In all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment, that the taxes or assessment had been paid, that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions contained herein, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

County treasurer's fees.

SECTION 25. The treasurer of said city shall charge for such services the same fees as are now allowed and paid to the county treasurer for the same or similar services, such fees to accrue to the benefit of the general city fund; and it is hereby declared to be the meaning and intent herein to confer all the powers and duties of the treasurer of the county of Walworth, as far as relates to the collection of delinquent personal property taxes, and to the selling of lots and lands for taxes within the city of Whitewater, upon the treasurer of said city.

Direction only directory.

SECTION 26. All the directions hereby given except in section nine of the title, for the assessing of lands and the assessing and the levying, col-

lection and returning of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

CHAPTER IX.

PUBLIC SCHOOLS.

School districts.

SECTION 1. The school districts and parts of districts within the corporate limits of the city of Whitewater shall constitute one district for the better regulation and management of the public schools of said city.

Board of education, how composed.

SECTION 2. The commissioners of common schools of said city, together with the superintendent of schools, shall constitute a board, to be styled "the board of education of the city of Whitewater," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent, a president *pro tempore* may be appointed, but such president shall have only a casting vote. A majority of the board shall form a quorum. The city clerk shall be clerk of said board, and shall receive no extra compensation than that heretofore provided for in this act. The said commissioners shall receive no compensation for their services.

Duties of clerk of board.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

Educational fund to be raised for the following purposes.

SECTION 4. The common council of the said city shall have the power, and it shall be their duty to raise from time to time, by a tax upon the real and personal estate in said city, which shall be liable to taxation, in addition to the amount of school moneys now or hereafter appropriated or

such sums as the said council shall deem necessary or proper for any or all of the following purposes, estimates therefor having been previously submitted to the said council by the board of education for the information of the council; and it is hereby made the duty of the board of education of the city of Whitewater, to submit said estimates of the common council on or before the first Tuesday of July in each year:

1st. To purchase, lease or improve sites for school-houses.

2d. To build, purchase, lease, enlarge, alter, improve and repair school-houses, and their outhouses and appurtenances.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same.

4th. To procure fuel and defray the contingent expenses of the district library of said city.

5th. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose; provided, nevertheless, that no tax shall be laid for such purposes oftener then once in each year; and provided, also, that the amount to be raised for teachers' wages and for contingent expenses in any one year, shall in no case exceed eight dollars for each person that draws public money, that the amount to be raised in any one year, for repairing school-houses and the appurtenances, shall not exceed fifteen hundred dollars, and for buying sites and erecting new school houses shall not to exceed three thousand dollars.

Taxes to be collected annually

SECTION 5. The common council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city.

All school moneys shall paid to treasurer.

SECTION 6. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city shall be paid to the treasurer of said city, who,

together with the sureties of his official bond, shall be accountable therefor, in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct as in relation to the other moneys of said city.

How treasurer shall pay out moneys.

SECTION 7. The treasurer of said city shall not pay out any moneys in his hands, received by said city either as school moneys, or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

Suits for official delinquency.

SECTION 8 The said board may cause a suit or suits to be prosecuted in the name of the city of Whitewater upon the official bond of the treasurer or of any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this section mentioned.

Exempt from certain act.

SECTION 9. The city of Whitewater is hereby exempt from the provisions of an act entitled, "an act to create the office of county superintendent of schools," approved April 6, 1861, except in the matter of making reports to the state superintendent of schools.

Power and duty of board defined.

SECTION 10. The said board shall have power, and it shall be its duty:

POWERS AND DUTIES OF BOARD.

1st. To establish and organize such and so many schools in the several wards of the city (including the common schools now existing therein) as they shall deem requisite and expedient, and to alter and discontinue the same.

2d. To purchase or hire school-houses and rooms, and lots and sites for school-houses and to fence and improve them as they may deem proper; provided the amount necessary has been appropriated by the common council of said city.

3d. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school-houses as they may deem advisable.

4th. To purchase, exchange, improve or repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and defray their contingent expenses and the expenses of the district library.

5th. To have the custody and safe keeping of the school-houses, outhouses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

6th. To contract with and employ all teachers in the common schools, and the high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

7th. To pay the wages of such teachers out of the school moneys which shall be appropriated to said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section 4, of this title, by tax upon the city.

8th. To defray the necessary contingent expenses of the board.

9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and public utility.

10th. Whenever, in the opinion of the board, it may be deemed advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council.

11th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of school-houses lots and sites, and appurtenances, and all other, property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually determine and certify to said city council the sums in their opinion necessary or proper to be raised under the ninth section of this chapter, specifying the sums re-

quired for each of the purposes therein mentioned, and the reason therefor.

12th. The board of education shall adopt for the use of the several public schools in the city, suitable text-books which shall be uniform, and when the board shall have adopted for use in the public schools of this city any text-book or text-books, the same shall not be changed by the board or by any teacher or other person for five years thereafter, and the said board shall adopt and at its discretion, modify or repeal by-laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all such measures as shall promote the good order and public utility of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of this state.

Outside attendance at school.

SECTION 11. The said board of education shall have power to allow the children of persons not residents within the city to attend any of the schools of said city under the care and control of said board, and upon such terms as the board shall by resolution prescribe.

Shall not exceed appropriation.

SECTION 12. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of money that shall be subject to their order during the then current year, for the particular expenditure in question and not to exceed such amount.

Trustees of district library.

SECTION 13. The said board of education shall be the trustees of the district library in said city, and all the provisions of law which now are or may hereafter be passed, relating to district-school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school-district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school-districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired the damaged books belonging thereto.

SECTION 14. It shall be the duty of the said board, annually, on or before the first Monday in

May in each year, to prepare and report to the common council, true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated under appropriate heads: Annual statement to be made, what to contain.

1st. The moneys received by the common council under the fourth section of this title.

2d. The school moneys received by the treasurer of the city from the county treasurer.

3d. Moneys received by direct tax.

4th. All other moneys received by the treasurer subject to the order of the boards, specifying the sources.

5th. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditures; and the common council shall forthwith cause the same to be published in at least one of the newspapers published in said city.

SECTION 15. The said board shall be subject, from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act. Board subject to rules and regulations of state supt.

SECTION 16. The common council of the said city shall have power, and it shall be their duty to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe-keeping, care and preservation of the school-houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this act; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other moneys raised pursuant to the provisions of this act. Ordinances for school regulations.

SECTION 17. Whenever said board shall report to the common council that it is advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to When school-houses or sites are to be sold.

the city, the common council may sell the same upon such terms as they may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expended by them in purchase, leasing, repairs or improvements of other school-houses, lots, school furniture, apparatus or appurtenances.

School-house property title to be vested in the city.

SECTION 18. The title to the school-houses, sites, lots, furniture, books, apparatus and appurtenances and all other property in this act mentioned, shall be vested in the city of Whitewater, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, not be subject to taxation for any purpose whatever, and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style or by any other designation, or to any person or persons or body for the use of said schools.

Moneys shall be held in trust by treasurer.

SECTION 19. All moneys authorized to be raised by virtue of this act, for school purposes on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys, and the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Teachers not eligible to office of commissioner.

SECTION 20. No person in the city of Whitewater, engaged in teaching any of the public schools of said city, shall be eligible to the office of commissioner of common schools in any of the several wards in said city, and no member of the board of education shall be employed to teach any of the schools of said city.

Shall not be interested in any contract.

SECTION 21. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every

contract so made in which any member of said board shall have such interest, shall be absolutely void.

School-district limits.

SECTION 22. All that territory now constituting School District No. 1, of the town of Whitewater, not included within the corporate limits of said city of Whitewater, as provided in this act, shall constitute and be a part of and be attached to the city of Whitewater for school purposes only, and whenever the common council of the city shall determine the amount of school tax for any one year, and fix the rate per centum upon the real and personal property of the city, the clerk thereof shall notify the town clerk of the town of Whitewater in writing of the per cent. so determined by the common council; and said town clerk shall assess the same rate upon all real and personal property within the territory hereby attached and the town treasurer of said town shall collect the same at the time and in the manner of collecting other town taxes, and when collected pay the same to the city treasurer of the city of Whitewater for the school purposes of said city.

CHAPTER X.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Regulate construction of building.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the

deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs and stairs or ladders reaching to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires; and in the preservation of property exposed to danger thereat and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Power to purchase fire-engines and form fire-companies.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engines, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of fifteen and fifty years, and may elect its own officers and form its own laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from serving on juries and from military duty during the continuance of such membership.

Annual fire-companies inspection.

SECTION 4. There shall be a meeting of the members of said companies on the first Friday of January in each year, at such place as may be designated by the mayor, when they may elect and recommend to the common council for confirmation one chief engineer, one assistant engineer and one steward, which latter shall be a salaried officer; and the common council may thereupon confirm such elections, and the person so elected and confirmed shall perform such duties as the common council shall prescribe. The chief engineer of the fire department shall, annually, on or

before the first Friday of January in each year, prepare and file in the city clerk's office a complete list of all members in good standing belonging to the fire department.

Election of firewardens.

SECTION 5. At the same time, as specified in the preceding section, the members of said companies shall elect, and the common council may confirm, four firewardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or upon any house, store-house, or other building or enclosure for the purpose of inspecting the same, and with a view to guard against fire.

Penalty for refusal to obey order of fire officers.

SECTION 6. Whenever any person shall refuse to obey any lawful order of the engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Organization of sack company.

SECTION 7. The common council shall have power to organize a sack company, number one, to consist of not more than twenty members. Such company shall constitute a part of the fire department and shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Whitewater, and are hereby vested with all power and authority which is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of property which may be exposed or endangered, and shall so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regula-

tions as they may deem necessary, not inconsistent with this act and the laws of this state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of any riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Height and size of wooden building.

SECTION 8. The common council of the city of Whitewater shall have power for the purpose of guarding against the calamities of fire, to prescribe and limit the height and size of wooden buildings to be hereafter erected or moved upon any lot or piece of ground within any specified limits in said city, and to prescribe and limit the time within which any wooden building or buildings, other than fire-proof, hereafter erected upon or moved upon any lot or piece of ground within specified limits, shall remain thereon and to compel the owner or owners of such building so required to be removed to remove the same; and if the said owner or owners shall neglect or refuse to remove the same for thirty days after being so required to do, by order of the common council made and served upon the owner, his agent, or the occupant of said building, to cause the building to be removed from such lot at the expense of the owner or owners of such building, and to prescribe the mode and manner of compelling said owner or owners to pay the expenses of said removal, and shall have power to cause such building to be sold to pay the expense of such removal and the costs of such sale.

CHAPTER XI.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, LAW, ETC.

Procedure for violation of ordinance.

SECTION 1. The city of Whitewater may sue for and recover any and all penalties or forfeitures under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof, in the corporate name of said city of Whitewater, any general law of the state to the contrary notwithstanding, and such action shall be commenced by complaint substantially in the following form:

State of Wisconsin, }
City of Whitewater, } ss.
Walworth county. }

Form of complaint.

"—— ——, being duly sworn complains on oath, to —— ——, that —— —— did, on the —— day of ——, A. D. 18—, violate the —— section of an ordinance, by-law, or resolution (describing it by its title, and briefly setting forth the offense complained of), which said ——— is now in force, as his deponent verily believes, and prays that —— —— may be arrested, and held to answer to said city of Whitewater, therefor.

Sworn and subscribed before me, this —— day of ——, A. D. 18—. —— ——.

It shall be sufficient to give the number of the section or sections, and the chapter, or title, of the ordinance, by-law, regulation or resolution, or of the law violated in such complaint, briefly setting forth the offense complained of, and said complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of said complaint with the judge or justice having jurisdiction, a warrant shall issue thereon substantially as follows:

State of Wisconsin, }
City of Whitewater, } ss.
Walworth county. }

Form of warrant.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Whitewater, greeting:

Whereas, —— —— has this day complained to me in writing on oath that —— —— did, on the

—— day of ——, 18—, violate the —— section or sections of an ordinance, by-law, regulation or law (describing it by its chapter or title, and briefly setting forth the offense complained of), which said —— is now in force and effect, as said complainant verily believes; therefore in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said —— ——, and him forthwith bring before —— ——, to answer to said city of Whitewater on the complaint aforesaid.

Given under my hand this —— day of ——, 18—. —— ——,

The defendant in such action may be arrested upon service of the warrant or process by which action is commenced. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause, as in other cases provided by law. If the case be adjourned, the defendant, if required by the courts so to do, shall recognize, with surety for his appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Walworth county or to the city jail. The complaint made aforesaid shall be the complaint in the action, and the plea of "not guilty" shall put in issue all matters of defense in the action.

Witnesses and jurors shall attend without payment of fees in advance.

SECTION 2. A printed copy of an ordinance by-law or resolution, passed by the common council, and published in a newspaper or in a pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and that the same is in force, and may be received in evidence. After issue joined and before trial, in all city cases, the defendant may demand a jury; and if no demand of a jury be made it shall be deemed a waiver of a jury trial.

Finding of court or jury.

SECTION 3. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon process of the court, duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept out a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire, as aforesaid.

SECTION 4. In city prosecutions the finding of the court or jury shall be, guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant, for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum shall fix the amount of such fine, penalty or forfeiture, as he shall deem best, within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty, the costs, as in actions in justice's court, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit; execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court, may be enforced and collected by levy and sale on execution of the property of the defendant, as provided by law in civil actions before a justice of the peace. Regarding executions.

SECTION 5. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Walworth county, for a term of not exceeding six months, or in the city jail not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment And said execution and commitment may require the defendant to perform hard labor during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Walworth county, or in the city jail, according to the terms of the executions. Such execution may be in the following form: Form of execution.

STATE OF WISCONSIN,)
City of Whitewater, } ss.
Walworth County.)

The state of Wisconsin, to the sheriff, or any constable of said county of Walworth, the city marshal or any policeman of said city, or the keeper of the common jail of said county:

Whereas, the said city of Whitewater, on the

—— day of ——, 18—, recovered a judgment before the —— ——, of said ——, against —— ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance, and offense, as set forth in the complaint). These are therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —— ——, (excepting such as the law exempts), and make sale thereof, according to law, in such case made and provided, to the amount of said sums, together with your fees, and twenty-five cents for the execution; and the same return to me within thirty days, to be rendered to the said —— ——, for said judgment and costs, and for want of such goods and chattels whereon to levy, to take the body of the said —— ——, and him convey and deliver unto the keeper of the common jail of said county, who is hereby commanded to receive, and keep the —— ——, in safe custody, in said —— and at hard labor for the term of ——, unless the aforesaid sum and all legal expenses, be sooner paid and satisfied or until he is discharged thence, by due course of law.

Given under my hand, this —— day of ——, 18——.

—— ——.

Fines and penalties shall be paid to city treasurer.

SECTION 6. All penalties, forfeitures, fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer, within one month after the receipt thereof, by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same, for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city, against the officer and his sureties for the default.

How appeals shall be taken.

SECTION 7. Appeals shall be allowed in all cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Walworth county, by

filing an affidavit and bond, and complying with the requirements of appeals in civil cases before justices of the peace; provided, however, that such appeals shall be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed the judge or justices shall stay all other proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justices shall transmit the papers in the case so appealed, with a transcript of his docket, to the clerk of said court, within the time and manner so prescribed, in cases appealed from justices of the peace.

Jail and officers fees, how audited.

SECTION 8. The jail fees, and officer's fees, if any, for commitment on prosecution in behalf of the city shall be audited and allowed by the common council, when the same cannot be collected of the defendant, before his discharge; and said common council may by resolution direct the judge or justice to discharge from the jail any person confined for judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; and execution may issue or be renewed by endorsement from time to time, before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

CHAPTER XII.

MISCELLANEOUS PROCEEDINGS.

All work to be let by contract.

SECTION 1. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, unless otherwise ordered by the common council, by ordinance or resolution, and due notice shall be given of the time and place of letting such contract.

SECTION 2. All actions brought to recover any

Actions shall be brought in corporate name of city.

penalty or forfeiture under this act, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case seem to require; provided, that nothing contained herein shall be construed as to prevent any peace officer from arresting without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before any justice, or keeping them in confinement, until such time as said justice can reasonably hear and dispose of said offender.

Shall not work incompetency.

SECTION 3. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure to hold election shall not invalidate.

SECTION 4. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, are not then done or performed, the common council shall appoint another time at which the said acts may be done and performed.

Recovery of judgment against the city.

SECTION 5. When judgment shall be recovered against the city or against any city officer, in any action prosecuted by or against him in his name of office, when the same should be paid by the city, no execution shall be awarded or issued upon such judgment; but the same, unless reversed, shall be levied and collected as other city taxes are levied and collected, and when so collected

shall be paid by the city treasurer to the person to whom it shall be adjudged, upon the delivery of a proper voucher. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution; provided, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

How action or suit shall be commenced.

SECTION 6. Whenever any action or suit shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

City may lease or hold real estate.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, may sell and convey the same, and the same shall be free from taxation.

No general law shall repeal.

SECTION 8. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Town meetings may be held in city.

SECTION 9. The citizens of the town of Whitewater shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Whitewater as they may determine, and the officers of said town of Whitewater may transact all town business in said city, and with the like effect as if held or done in the town of Whitewater.

No salary for mayor or aldermen.

SECTION 10. No compensation or salary shall be paid out of the city treasury to any mayor or alderman of said city for his service as such mayor or alderman.

Disposition of paupers.

SECTION 11. The paupers of said city shall be removed to the poor-house of the county of Walworth, by the mayor or supervisor of the ward,

in like manner as they are removed from the several towns in said county.

City clerk shall sign all licenses.

SECTION 12. Every license issued by the authority or this act, or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which shall be approved either by the mayor or common council, and the sum paid for such license shall be appropriated as the common council shall direct. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days, and all such licenses shall expire on the tenth day of May next following the date of their issue.

Penalty for doing business without a license.

SECTION 13. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act, or the ordinance of the city, or may be proceeded against in the circuit court of Walworth county, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Walworth county, not more than thirty days, nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

How suits shall be commenced and what is required.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money

equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deed and paid by such holder or claimant under such deed, except in cases when the taxes are paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding, to the extent specified and provided in section 109, chapter 15, title 5, of the revised statutes.

County jail to be used by city.

SECTION 15. The use of the jail of Walworth county, until otherwise provided, may be granted to said city for the confinement of offenders, and every such offender may be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by the city.

Removal of officers.

SECTION 16. All officers of the city (except justices of the peace) may be removed from office for official misconduct by the common council, by a vote of a majority of the members thereof, but said officer or officers shall be granted a full and fair hearing before removal.

Opening of streets.

SECTION 17. Any street, alley, public square or grounds which have been regularly platted and recorded, but have been closed and used for agricultural purposes, or otherwise, may, by resolution of the common council, be declared as opened for travel and passage, and shall be opened for such purposes immediately after the passage of such resolution; provided, that no such resolution shall be put into effect between the twentieth of March and the twentieth of November in any one year.

Defective sidewalks.

SECTION 18. Whenever any injury shall happen to persons or property in the city of Whitewater by any reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any

person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefore until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

First election, when held.

SECTION 19. The first election of officers under this act shall be held on the first Tuesday of May, 1885, at such places as may be designated by the president and board of trustees of the village of Whitewater. The acting president of the village of Whitewater shall by and with the consent of the board of trustees of said village appoint three inspectors and one clerk for each ward who shall act as inspectors and clerks of election of the said precincts, and their powers and duties shall be the same as is now provided by law; and all of the officers of the village of Whitewater in office when this act shall take effect, shall hold their respective offices until such election shall be held, and the officers then to be elected shall have qualified, unless a vacancy shall occur which shall be filled by appointment as in other cases; the polls to be opened and closed as in this act provided. The inspector of election at each ward shall within twenty-four hours make returns to the village clerk and to the county clerk and the president and board of trustees of said village, shall within twenty-four hours thereafter count and canvass the votes and declare the result as it appears from the same, the result so declared shall be filed with the village clerk and by him delivered to the city clerk as soon as he shall qualify.

Village property to belong to city.

SECTION 20. The city of Whitewater shall be the lawful owner and successor of all real and personal property and all the rights and privileges belonging to the corporation of the village of Whitewater, together with all the funds, revenues, debts and demands due and owing to the said village, and of all the funds belonging to the road district of said village, all of which property shall be transferred to the proper officers of said city by the person or persons in charge of the same as soon as such officer shall be elected and qualified.

Lawful village debts to be assumed by city.

SECTION 21. Any lawful debt, claim, demand or right of action against the present village of White

water shall be and become a lawful debt, claim, demand or right of action against the city of Whitewater.

SECTION 22. The term of office of the officers elected at the first election shall commence on the second Tuesday of May, 1885. First term of office.

REPEALING CLAUSE.

SECTION 23. All acts incorporating the village of Whitewater and amendatory to the city charter, are hereby repealed; and all acts and parts of acts inconsistent with and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contract, acts, suits, claims, or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue or in pursuance of the said acts, or any of them, but the same shall exist and be in force, and carried out as fully and effectually to all intents and purposes as if this act had not been passed. Repealing section.

SECTION 24. All ordinances and regulations now in force in the village of Whitewater, not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect. Ordinances to remain in force until repealed.

SECTION 25. This act shall take effect and be in force from and after April 10, 1885.

Approved April 2, 1885.

[No. 438, A.] [Published April 11, 1885.]

CHAPTER 230.

AN ACT to amend an act entitled, "An act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof," Approved March 30, 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of the fifth ward of the city of Oshkosh lying south of the section line Sixth ward.

between sections fourteen and fifteen, and twenty-two and twenty-three, township number eighteen north, of range number sixteen east, shall hereafter be and constitute a part of the sixth ward of the city of Oshkosh.

Deputy clerk.

SECTION 2. The city clerk of the city of Oshkosh, shall have power to appoint a deputy clerk and to remove him at pleasure. The deputy clerk in the absence of the clerk shall perform all the duties of the clerk. His salary shall be paid by the clerk.

Taxes and assessments to remain a lien.

SECTION 3. All taxes and assessments, general or special, levied in the city of Oshkosh under and by virtue of any law of this state, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property upon which such taxes may be assessed from the time of filing or depositing the assessment roll or a copy thereof with the city clerk, and no sale or transfer of such real or personal property, and no levy or sale thereof under and by virtue of any judgment, execution or attachment, or other legal process, shall affect such lien upon such real or personal estate.

Water district for fire purposes.

SECTION 4. The city of Oshkosh and all the territory embraced within the limits of such city, shall be and constitute one water district for fire purposes, and all the expenses of keeping and maintaining, or for the use of water hydrants or the rent of hydrants for fire purposes shall be a city charge and be paid out of the general fund and taxes therefor levied and collected as other taxes.

Section 10, chapter 3, amended.

SECTION 5. Section 10, of chapter 3, of chapter 183, is hereby amended so as to read as follows, viz: The qualification of each officer of said city mentioned in this act shall be that he is a qualified elector of said city, and in addition to be eligible to hold any ward office, he shall be a resident of such ward.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved Apr il 3, 1885.

No. 208, A.] [Published April 11, 1885.]

CHAPTER 239.

AN ACT to amend an act entitled an act, to incorporate the city of Hartford.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section six amended.

SECTION 1. Section 6, of chapter 80, of the general laws of 1883, is hereby amended so as to read as follows: "Section 6. The elective officers of said city shall be a mayor, a treasurer, an assessor, a clerk, a city marshal, one constable and two justices of the peace from the city at large, and two aldermen, a street commissioner and one supervisor from each ward. The treasurer, assessor, marshal, clerk, justices of the peace, street commissioner and constable shall be qualified voters and residents of the city of Hartford; and the mayor, aldermen and supervisors shall be qualified electors and freeholders in the said city of Hartford. All the other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power for cause to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

Section thirty amended.

SECTION 2. Section 30, of said chapter 80, is hereby amended by striking out the words, "street commissioner," where they occur in the first and second lines of said section, and inserting in lieu thereof, the following: "Street commissioners within their respective wards."

Repealing section.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.
Approved April 3, 1885.

[No. 125, S.] [Published April 4, 1885.]

CHAPTER 245.

AN ACT to amend the charter of the city of Chippewa Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ward boundaries amended.

SECTION 1. Section 2, of chapter 164, of the laws of Wisconsin for 1885, entitled, an act to revise the charter of Chippewa Falls, is hereby amended so as to read as follows: Section 2. The city is hereby divided into eight wards as follows: All of section 5, northeast of State street, on the north side of the Chippewa river, including the eastern additions, and all of the south half of section thirty-two, including Mansfield and McBean's addition, shall constitute and is hereby established as the first ward. That part of the territory bounded by State street on the northeast, the river on the southeast, High street on the southwest, and Columbia street on the northwest, shall constitute and is hereby established as the second ward. The mill reserve and all that territory bounded on the northeast by High street, on the southeast by River street, on the southwest by Pine street, and on the northwest by Columbia street, shall constitute and is hereby established as the third ward. All that territory bounded on the northeast by Pine street, and a continuation of the same to Willow street, on the southeast by the Chippewa river, on the west by the west line of the city, on the north and northwest by Willow street, and a continuation of the line of same to the north line of section twelve, thence on said north line to the western limits of the city, shall constitute and is hereby established as the fourth ward. Carson's addition, except blocks thirty-one and thirty-two, the south half of section one and the south half of the north half of said section in

town twenty-eight, range nine, and the south half of the northwest quarter of section six, town twenty-eight, range eight, shall constitute and is hereby established as the fifth ward. The territory bounded by High street on the northeast, Columbia street on the southeast, the west line of Allen's addition and the north and south center line of section six, on the west and Spruce street on the northwest, shall constitute and is hereby established as the sixth ward. All of the south half of section thirty-one, town twenty-nine, range eight, including the northern addition and the territory bounded by the east line of section six, of town twenty-eight, range eight, on the east, Columbia street on the southeast, High street and an extension of the same to the south line of said section thirty-one on the southwest, and south line of said section on the north, shall constitute and is hereby established as the seventh ward. All of the south half of section thirty-six, town twenty-nine, the north half of the north half of section one, town twenty-eight, range nine, the north half of the northwest quarter of section six, town twenty-eight, range eight, and the territory bounded on the northeast by High street, and an extension of a line of the same to the south line of said section thirty-one, on the southeast by Spruce street, on the west by the north and south center line of said section six, shall constitute and is hereby established as the eighth ward. And the territory between the northwesterly terminus of High street and Duncan creek shall be a part of said eighth ward. It shall be the duty of the clerk to prepare a book for use at the election in each ward, in which shall be entered, in orderly and convenient form, all lots and subdivisions of land in the ward. The descriptions shall be as platted, when the territory has been platted, otherwise, by government description. The council may require, also, that all lots and parcels of land be designated as occupied or vacant, as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them with the other returns, as hereinafter provided.

Section 3 amended.

SECTION 2. Section 3, of subchapter 5, [relat-

ing] to the "common council and its powers," is hereby amended so that no cattle shall be allowed to run at large between the hours of nine o'clock in the evening and five o'clock in the morning.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 3, 1885.

[No. 330, A.] [Published April 11, 1885.]

CHAPTER 257.

AN ACT to amend the charter of the city of Oconomowoc, known as chapter 239, of the laws of 1879, as amended by chapter 231, of the laws of 1881, and by chapter 141, of the laws of 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section one, of chapter 114, amended.

Section 1, of chapter 141, of said laws of 1882, is amended so as to read as follows: Section 1. The amount of highway fund of any year in said city, (exclusive of poll taxes) shall be determined by resolution of the common council thereof, on or before the third Monday of November in each year, and shall be raised in money by tax on all the taxable property in said city not exceeding two mills on the dollar of the assessed valuation of the property therein for that year, exclusive of all taxes raised for building or repairing bridges or approaches thereto. Chapter 7, of said chapter 239, of the laws of 1879, is amended by adding the following sections to said chapter 7: Section 9. Whenever a petition is presented to the common council of said city on or before the second Tuesday of April in any year, signed by at least a majority of all the tax payers within the boundaries set forth in said petition, along either side of one or more connected street or streets in said city, naming the street or streets, whose aggregate amount of taxable property shall exceed one-half of all such property within the bounds designated, as appears from the last assessment roll of said city, asking that said street or streets within the bounds so set forth be sprinkled with water in a

reasonable way so as to keep down the dust therein, and prevent the same so far as practicable from flying into the stores, shops, business places and dwellings along the line of said street or streets within the bounds so designated for the time so specified, then the said common council shall have the power and shall cause the street or streets within the bounds named to be so sprinkled for the time so fixed upon, at the cost and expense of all the tax payers and owners of propenty within the bounds named, as shall be ascertained by said council, to be benefited thereby.

Respecting the letting of contracts.

SECTION 10. As soon as practicable after said petition shall have been presented, the said council shall give notice fixing a time and place at which it will meet, for the purpose of letting on contract to the lowest and best bidder the work of sprinkling said street or streets as asked for, always reserving the right to reject any or all bids when it shall seem most to the interest of the real tax payers. Said notice shall be published for at least one week prior to said letting, either in one of the newspapers published in said city, or by notices posted up in three or more public places therein, and said council shall at said meeting or at some adjourned meeting as soon as reasonable thereafter, reject or accept one or all of said bids.

Contract to be drawn.

SECTION 11. Whenever any such bids shall have been accepted, a contract shall be drawn setting forth the name of the lowest and best bidder, describing the street or streets, and boundaries thereof, to be sprinkled, the time for which it is to be done, the manner of doing it, in the language of the preceding section, the price for which it is to be done and the manner of the payment thereof, and shall be signed by said bidder and by at least two good sureties, to be approved of by said council, indorsed and signed by the mayor and clerk of the city on the back thereof as evidence of said approval and then filed with the city clerk.

Notice to be published one week.

SECTION 12. On or before the first Monday of July after any such contract shall have been completed, on notice to be published for at least one week in one or both of the ways pointed out in section 10, of this act, the said common council shall proceed to ascertain and determine, from

the last or any other assessment roll, and from all other practicable sources of knowledge, all persons who are tax payers within the limits of such district to be sprinkled, who will be specially benefited thereby, and it shall determine what property so assessed will be benefited, and what will not, and for that purpose said council may adjourn any such meeting from time to time not later than the third Monday of August of that year; and all taxable property found in the last assessment roll of the same year, shall be assessed to pay such sprinkling tax, which is not expressly exempted therefrom by resolution of said council particularly describing it, and such determination of said council shall be final.

Common council shall cause a tax list to be made out.

SECTION 13. After said common council shall have ascertained the total cost and expense of said sprinkling, on or before the first Monday of September of that year, the said council shall cause a tax list to be made out in duplicate and in alphabetical form as to names of the tax payers liable to such tax as above determined, from the last assessment roll, giving a description of all real estate so to be taxed, the kind of personal property determined to be liable and the value of each as found in said assessment, and the tax against each set opposite the said sum and name of owner in such proportion as the total cost and expense bears to the total amount of property so to be taxed. Then there shall be added to the foot of said tax list a direction to the city treasurer, commanding him to collect all taxes therein named on or before the first day of December of that year, naming it, signed by the mayor and clerk of said city, and then one of said tax lists so made out and signed shall be delivered to said city treasurer and the other filed in the office of the city clerk, who shall immediately charge up to said treasurer the total amount of such sprinkling tax, and thereafter each such tax shall be a lien on the property so taxed of the owner thereof till paid; and all moneys collected thereon shall be a sprinkling fund, kept as such by the treasurer, and only paid out on the proper orders of the said council.

Duty of treasurer after having received tax list.

SECTION 14. After said treasurer shall have received such tax list, he shall as soon as reasonably possible, give notice by three or more notices

posted up in as many public places in the city, that said sprinkling tax list is in his hands, and the taxes therein named are due and payable at his office in said city at any time prior to the first day of October, of that year, together with two per cent. thereon as his fees for collecting; and if not so paid by that time there will be added to said tax a penalty of ten per cent. to be collected by said treasurer as his fees for personal notice to all such delinquents.

Alphabetical list of delinquents to be made out.

SECTION 15. On the first Monday of December of such year the said city treasurer shall make out an alphabetical list of all such delinquent persons who have not paid such tax, giving a description of each item of property taxed against him, with the tax and penalty added set opposite, make oaths in proper form on said list that the taxes therein named have not been paid, and file the same with the city clerk, who shall place each such tax against the same property found in the general tax list of that year, and the same shall be collected against any property of such delinquent in the same manner as any other tax in said general tax list is collected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1885.

[No. 408, A.] [Published April 13, 1885.]

CHAPTER 258.

AN ACT to amend the charter of the city of Ahnapee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section twenty-nine amended.

SECTION 1. Section 29, of the charter of the city of Ahnapee is hereby amended by adding thereto the following: In all cases if the defendant shall on the return day of the process, and before any proceedings are had on his part, make oath that from prejudice or other cause he believes such police justice will not decide impartially in the matter, and shall pay to the police justice seventy-

five cents for making a copy of his docket, and transmitting the papers in the case, then such police justice shall immediately transmit all the papers in the case to the nearest justice of the peace in the same county, qualified by law to try a cause between the parties in such action, who shall proceed to hear, try and determine the same in the same manner as it would have been lawful for the police justice before whom the said action was commenced to have done. This provision shall not extend to a second removal.

Respecting transmitting of papers.

SECTION 2. In case said nearest justice cannot be found or is unable to act for any cause, then the papers may be transmitted to any other justice in the county.

Section fifty-nine amended.

SECTION 3. Section 59, of said charter is hereby amended so as to read as follows: Section 59. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent when less than one-half, otherwise reckoning said fraction as a cent, and the clerk shall immediately make out a duplicate copy of such tax roll when thus completed and deliver the same to the treasurer on or before the second Monday in December in each year, and to each tax roll so delivered a warrant under the hand of the clerk and the corporate seal of said city shall be annexed substantially in the following form:

Form to be used.

The State of Wisconsin, to the city treasurer of the city of Ahnapee, in the county of Kewaunee:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described, and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and

collect the same by distress and sale of goods and chattles of the person or corporation so taxed, and out of the moneys so to be collected after deducting your fees, you are first to pay to the treasurer of the county of Kewaunee, on or before the last Monday of January next, the sum of —— for state taxes and the further sum of —— for county taxes; and the balance of said money you are required to retain and pay out according to law, and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Kewaunee.

Given under my hand and the corporate seal of the city of Ahnapee, this —— day of ——, 18—.

—— ——, city clerk.

The assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

SECTION 4. This act shall take effect and be in force from and after its publication.

Approved April 3, 1885.

[No. 71, S.] [Published April 20, 1885.]

CHAPTER 297.

AN ACT to amend chapter 169, of the laws of 1882, entitled, "An act to revise, consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 12, of chapter 6, of chapter 169, of the laws of 1882, is hereby amended so as to read as follows: Section 12. The common council may, by an affirmative vote of two-thirds of the aldermen elect, order the construction or reconstruction of a sewer or sewers in said city, the expense of which, to the amount of seventy-five per cent. thereof, shall be chargeable to the lots or parts of lots abutting upon said sewer, and

Section twelve, of chapter six, amended.

twenty-five per cent. of the cost thereof, shall be payable out of the general fund of said city, and in case a sewer shall be laid along the center of a street, the property on each side of said street shall bear its portion, or one-half of the expense so chargeable to abutting lots. Such work or improvement shall be ordered and contracts therefor let, and the cost thereof paid, and notices given the same and in the same manner as is provided in this chapter for the paving and repaving, building and rebuilding of the streets and sidewalks, and shall be under the supervision of the street superintendent, but the expense of repairs on sewers shall be paid out of the general fund. In estimating the amount chargeable to abutting lots as herein provided, the average cost per lineal foot of said sewer for its entire length, built under the order of the said common council, shall be the basis.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1885.

[No. 502, A.] [Published April 16, 1885.]

CHAPTER 299.

AN ACT to amend chapter 152, of the laws of 1883, entitled, "An act to revise, consolidate and amend the city charter of the city of Fond du Lac."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1, chapter 4, amended.

SECTION 1. Section 1, of chapter 4, of said chapter 152, of the laws of 1883, is hereby amended by inserting after the word, "ward," in the third line of said section, the word, "offices," and inserting in the tenth line of said section after the word, "shall" the following; "cease to be a freeholder of or," and by adding at the end of said section 1, the following: "And no salary or fees shall be paid or allowed such officer thereafter, except such as may be due at the date he so vacates his office," so that said section, when so

amended, shall read as follows: Section 1. No person shall be eligible to any office of said city unless he shall be a resident elector of said city, nor to any of the ward offices unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed; and whenever any person elected to any city office shall remove from the city, or any ward officer shall cease to be a freeholder of, or remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office; and no salary or fees shall be paid or allowed such officer thereafter, except such as may be due at the date he so vacates his office.

Subdivision 21, of section 8, amended.

SECTION 2. Subdivision 21, of section 8, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding, at the end of said subdivision 21, the following: "And to compel the removal and prevent, regulate and control the erection and location of telegraph, telephone and electric light posts and poles, and regulate and control the laying, use and management of the telegraph, telephone and electric light and power wires within the limits of said city.

Subdivision 27 amended.

SECTION 3 Subdivision 27, of said section 8, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended so as to read as follows: 27th. To license, regulate and restrain hawkers and peddlers endeavoring to procure the sale of or exposing for sale, any goods, merchandise, fruits, notions or wares of whatever description (farmers' produce excepted), either on foot or in vehicles, or other conveyances, or in booths, stalls, or stands erected for that purpose, in the streets, alleys, public grounds, or vacant lots within the limits of the city.

Chapter 7 amended.

SECTION 4. Chapter 7, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said chapter 7, the following: "Section 17. All written contracts to be made under the provisions of this charter, shall be executed in the name of the city of Fond du Lac, and signed by the mayor and city clerk of the one part, and by the contractor of the other part. And all bonds required by the charter, or by the common

council for any purpose shall be made and executed to the city of Fond du Lac."

Chapter 18 amended.

SECTION 5. Chapter 18, of said chapter 152, of the laws of 1883, is hereby amended, by inserting at the end of section 6, of said chapter 18, the following: "Section 6a. No action shall be maintained against the city of Fond du Lac on account of any injuries received or damages sustained by means of any defect in the condition of any bridge, street, sidewalk, or thoroughfare, unless such action shall be commenced within one year from the happening of the injury, nor unless notice in writing, signed by the party injured or claiming damages, shall have first been given to the sidewalk superintendent of the city, or one of the aldermen of the ward in which such injury shall have occurred, within five days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and the nature of the same, and that the person injured will claim damages therefor.

Subdivision 7, of section 10, amended.

SECTION 6. Subdivision 7, of section 10, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended, by adding at the end of said subdivision 7, the following: "Aud also to regulate and control, by proper ordinance, or otherwise, the flow and discharge of water from all fountains, drilled or artesian wells in the city, and to prevent the unnecessary waste of water therefrom.

Section 11, of chapter 6, amended.

SECTION 7. Section 11, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding thereto, another subdivision as follows: "6th to regulate or prevent the building or construction, without permission of the common council, of barb wire fences upon, along or within two feet of the line of any street or sidewalk; and to require the removal or remove any such fence, built or constructed in the street or within two feet of the lines thereof.

Subdivision 1, of section 5, of chapter 11, amended.

SECTION 8. Subdivision 1, of section 5, of chapter 11, of said chapter 152, of the laws of 1883, is hereby amended by striking out the words, "one-third" when they occur in the twenty-fourth and twenty-sixth lines, and inserting in lieu thereof, the words, "two-thirds;" and striking out all of said subdivision after the words, "per foot," in the twenty-seventh line, and in-

serting in lieu thereof the following: "Provided, however, that the provisions of this subdivision shall not apply to a second or subsequent repaving, macadamizing or graveling of any street which has been heretofore or shall be hereafter paved, macadamized or graveled; and the whole or any portion of the expense on such improvment shall have been borne directly by the lots or parcels of land fronting or abutting on the portion of the street so improved; and provided further, that the original improvement of a street by graveling the same shall have been or shall be the placing thereon of at least one foot in depth by sixteen feet in width of gravel to entitle such improvement to be a permanent one within the meaning and provisions of the foregoing proviso; so that said subdivision when so amended shall read as follows: "1st. In case the work shall be the paving, macadamizing or graveling any street, highway, lane or valley or any part thereof the common council shall appoint some competent person to ascertain the front length of each lot or parcel of land on both sides thereof, throughout its whole extent, with a correct description thereof, and the name of the owner, if known; and also the aggregate front length of all the lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising, ascertaining the value of existing improvements of the same or a similar kind and character, if any, and preparing the assessment lists; and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley, throughout its whole extent, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land on both sides of such street, highway, lane or alley throughout its whole extent, shall be assessed with its proportion of two-thirds of the whole expense; to be ascertained by multiplying its number of feet front by the average of said two-thirds of the whole expense per foot; provided, however, that the provisions of this subdivision shall not apply to a second or subsequent repaving, macadamizing or graveling of any street which has heretofore, or shall be hereafter

paved, macadamized or graveled; and the whole of any portion of the expense of such improvement shall have been borne directly by the lots or parcels of land fronting or abutting on the portion of the street so improved; and provided, further, that the original improvement of a street by graveling the same, shall have been, or shall be, the placing thereon of at least one foot in depth, by sixteen feet in width, of gravel, to entitle such improvement to be a permanent one within the meaning and provisions of the foregoing proviso.

Section 8, of chapter 11, amended.

SECTION 9. Section 8, of said chapter 11, of chapter 152, laws of 1883, is hereby amended by striking out the words, "one-third," in the third line, and inserting in lieu thereof the words, "two-thirds;" and by striking out the words, "two-thirds," in the thirteenth line, and substituting therefor the words, "one-third." So that, when amended, the first clause of said section 8, shall read as follows: Section 8. In case the work provided in this chapter to be done shall be such as is mentioned in subdivision 1, of section 5, thereof, two-thirds of the whole expense thereof, including all costs of proceedings in courts, publication, surveying, appraisements, assessments, collection of special tax certificates, material and labor shall be assessed and taxed to, and be a lien upon the lots, parts of lots, or parcels of land fronting or abutting on such street, alley, lane, or highway, or such part thereof, upon which such paving, macadamizing or graveling shall be done; and the other one-third shall be paid by the city out of money raised for that purpose.

Section 9, chapter 7, amended.

SECTION 10. Section 9, chapter 7, of said chapter 152, laws of 1883, is hereby amended by adding thereto as follows: And such assessors shall complete their assessments of the property of the city within thirty days, and their compensation shall not exceed two dollars and fifty cents per day, each.

Chapter 10 amended.

SECTION 11. Chapter 10, of said chapter 152, laws of 1883, is hereby amended by adding at the end of said chapter 10, a further section as follows: Section 23. The board of review of said city of Fond du Lac, shall consist of the mayor, the city clerk and three members of the common council, to be chosen by the common council; and each member of said board of review shall

receive for his services, while sitting on said board not exceeding two dollars per day; and said board shall not remain in session to exceed six days in each year.

Section 4, of chapter 7, amended.

SECTION 12. Section 4, of chapter 7, of said chapter 152, laws of 1885, is hereby amended by inserting therein after the word, "towns," in line thirteen, the words following: "Excepting that the treasurer shall place or cause to be placed in the hands of the chief of police of said city (instead of the sheriff or constable), all process and writs for the collection of delinquent taxes or personal property in the city; and the chief of police shall execute and return said process and writs as provided by law."

Section 2, of chapter 16, amended.

SECTION 13. Section 2, of chapter 16, of said chapter 152, laws of 1883, is amended by adding thereto the words as follows: "It shall be the duty of the chief of police to receive, execute and return all process or writs for the collection of taxes on personal property within the city, that may be placed in his hands by, or by direction of, the city treasurer. And also to collect license fees for the sale of liquors, and to summarily close all and every saloon or place of business of any person or persons selling or giving away liquors without license therefor or in any way violating the provisions of the excise laws of the state, on or after the first day of May in each and every year."

Section 4, of chapter 7, amended.

SECTION 14. Section 4, of chapter 7, of said chapter 152, laws of 1883, is hereby further amended by adding to said section as follows: "Provided, that the city treasurer, before entering upon the duties of his office, shall give bonds to the city of Fond du Lac in such form and amount and with such surety or sureties and conditions as the common council may prescribe."

Section 7, of chapter 18, amended.

SECTION 15. Section 7, of chapter 18, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said section 7, the following: "Provided, however, that this section shall not apply to that part of the old Sheboygan and Fond du Lac plank road lying within the limits of said city."

Chapter 6 amended.

SECTION 16. Chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said chapter 6, additional sections as

follows: "Section 19. The common council of the city of Fond du Lac may, by ordinance, adopt by a vote of a majority of all the members elect, empower, authorize and permit any corporation, association or individual, to erect, construct, complete, maintain and operate water-works in the city of Fond du Lac, and to grant to such individual, association or corporation, subject to such restrictions and limitations, and in such manner as may be fixed by such ordinance, the privilege to run through and lay water pipes under any street or alley, or above ground, and erect hydrants, sink artesian wells and fountains, and use such machinery as may be necessary to construct and operate such water-works for the purpose of supplying the city, and the inhabitants thereof, with water; and the common council of said city may contract with such individual, association or corporation to supply said city with water, and rent or purchase hydrants for such purpose; and such corporation, association or individual shall supply the city and the inhabitants thereof, with water, at not to exceed such maximum price in such manner, and under such limitations as may be fixed in such ordinance and contract. Section 20. All costs and expense for the rental and purchase of hydrants or for water used for city purposes, shall be paid from the city treasury out of the general fund. Section 21. It shall be the duty of the common council, and it is hereby empowered to pass such ordinances from time to time, as may be deemed necessary or expedient for the management and protection of said water-works, and regulating and controling the supply and use of water therefrom, and fix a penalty for the violation thereof. Section 22. Nothing contained in this act or in the city charter requiring contracts to be let by proposals to the lowest bidders, shall be construed to require contracts authorized by section 16, of this act to be let in such manner.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1885.

[No. 299, A.] [Published April 14, 1885.]

CHAPTER 302.

AN ACT relating to and amendatory of chapter 237, of the laws of 1873, entitled, "An act to amend an act to incorporate the city of Mineral Point," approved March 16th, 1861, and also all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4, of chapter 6, of the laws of 1873, is hereby amended so as to read as follows: Sidewalks may be constructed upon the application of tax-payers, whenever three-fourths of the resident lot owners upon which a sidewalk is asked for in said city shall make and deliver to the city clerk a petition in writing setting forth the street and the abutting lots and blocks on which they desire to have a sidewalk constructed; it shall be the duty of said clerk to file said petition in his office, and lay it before the common council at its next meeting thereafter, when it shall be the duty of said council to examine the matters set forth in said petition, and if in the opinion of a majority of the said council, the sidewalk described in the petition will be of general advantage, the common council shall pass a resolution, ordering the construction thereof by the owners of the lots abutting on said proposed sidewalk, and prescribing the width, length, material, method of construction and location of the same, and prescribing the time within which said sidewalk shall be constructed, which time shall not be less than ten days, nor more than thirty days after service of notice upon said lot owners; which notice shall be served as follows: Such of the lot owners as are residents of this city shall be served personally with a copy of the resolution by the street commissioner. Such as are non-residents, and their address is known, the city clerk shall mail a copy of the resolutions, securely inclosed in an envelope, the postage prepaid and the envelope plainly addressed to the lot owner, at his post-office. To such lot owners as are non-resident

Section 4, of chapter 6, amended.

and their post-office is unknown, notice shall be given by publication of the resolution for three successive weeks in the official paper of the city. If the owner of any such lot shall not construct his sidewalk, as aforesaid, within thirty days after notice, as aforesaid, the common council shall direct the street commissioner to cause the same to be constructed at the expense of the lot owner, which may be by resolution of the common council, based on the sworn statement of the street commissioner, levied as a special tax against such lot. The construction of any such sidewalk by the city after default made by the lot owner, shall be by contract to the lowest bidder, and notice shall be given, by publication in the official paper of the city for at least ten days prior thereto, of the time and place of opening said bids; the bids to be delivered sealed and properly inclosed, to the city clerk.

Section 6, chapter 6, amended.

SECTION 2. Section 6, of said chapter 6, of said chapter 237, is hereby changed and amended so as to read as follows: Section 6. All moneys expended by the common council in the improvement of streets and sidewalks shall be expended upon the streets and sidewalks in the several wards in proportion to their relative value of taxable property and poll-tax assessed and collected in the several wards, unless the common council shall unanimously otherwise direct. All public sidewalks now in use in this city, and all such as shall be hereafter constructed as herein provided, shall hereafter be maintained and kept in repair at the expense of the whole city, and all provisions of the charter of said city, and all ordinances relating to the construction, repairing and maintaining of sidewalks in conflict with the provisions of this chapter as hereby amended are hereby repealed.

Section 7, of chapter 6, amended.

SECTION 3. Section 7, of said chapter 6, of said chapter 237, is hereby changed and amended so as to read as follows: Section 7. The common council of said city shall have power to levy an annual tax, not exceeding eight mills on the dollar of the assessed value of property in said city for the improvement of streets and sidewalks, and may by resolution determine the time and manner of collecting and paying the same. The delinquent returns of unpaid taxes shall be made by the city

treasurer, or by the person collecting the same, and the same shall be put in the annual tax roll by the city clerk, and be collected in all respects as is provided by law for the return and collecting of delinquent road taxes in the towns of Iowa county.

SECTION 4. Section 9, of chapter 10, of chapter 237, of the laws of 1873, is hereby changed and amended so as to read as follows: Section 9. To the mayor and each of the aldermen of said city for his attendance upon a regular meeting of the common council not to exceed one in each month, the following compensation shall be allowed to be paid out of the city treasury; to the mayor two dollars, to each alderman one dollar. Section 9, chapter 10, amended.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1885.

[No. 235, A.] [Published April 10, 1885.]

CHAPTER 305.

AN ACT to amend chapter 254, of private and local laws of 1868, and the several acts amendatory thereof, being the acts revising and amending the acts incorporating the city of Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subchapter 3, of chapter 254, of private and local laws of 1868, is hereby amended by adding thereto another section, as follows: Section 10. The term of office of all officers of said city, who are elected by the people at such annual municipal elections, shall commence on and with the third Tuesday of April in the year in which they are elected. Subsection three amended.

SECTION 2. Subdivision 3, of section 1, of subchapter 10, of said chapter 254, is hereby amended so as to read as follows: 3. To annually levy and collect a tax not exceeding five mills on the dollar on the assessed value of all real and personal property in the city made taxable by the laws of this state for the support and main- Subsection three, of section one, amended.

tenance of the fire department, to purchase and repair engines, steamers and horses for the fire department, and fire apparatus, and the building and repairing of engine houses; to provide such other means of water supply for protection against fire as may be adopted, and other requirements for the fire department of said city which shall constitute the "Fire Fund."

Section two, of subchapter thirteen, amended.

SECTION 3. Section 2, of subchapter 13, of said chapter 254, is hereby amended so as to read as follows: Section 2. The common council shall have the power to establish the width of sidewalks and the grade upon which they shall be built, and to prescribe the plan thereof, and the material of which they shall be constructed upon any street in said city, and to require that such sidewalks be so constructed and placed upon the established grade at the expense of the lots or premises fronting thereon, and to require the construction of cross walks, gutters and sewers at the expense of the ward. Thereupon, the street commissioners of the ward in which the same is to be constructed, shall have the charge of such construction, and require the same, and attend thereto, as hereinafter provided for grading or other improvement of streets. And it shall be the duty of the street commissioners to require that sidewalks be kept in repair, and be kept and placed upon the established grade, and to repair the same or have them placed upon the established grade, wherever the owner has placed the same too high or too low, at the expense of the abutting lot or premises, whenever the owner or occupant of such premises neglects so to do. If there is an occupant on such abutting premises, or if the owner thereof resides in the city and is known to the street commissioners or being known, has an agent in the city known to such commissioners, a written order for such repairs or changes specifying the time when the same shall be done shall be made by the commissioners and a copy thereof, served on such occupant or known owner or agent in the manner provided for serving a summons in civil actions, at least six days previous to the time therin specified for the owner to perform the same; and where such personal notice cannot be given a copy of such order shall be posted in a

conspicuous place in the post-office in said city. The repairs shall be made by the street commissioners if the owner neglects to make the same, and they shall report the actual expense thereof, without any charge for commissioners' services to the common council; and the common council may thereupon order that such expense be assessed against the adjoining premises, and entered upon the tax roll and collected for the use and benefit of the ward, to repay such expenditure, as the taxes on real estate are charged and collected. The street commissioners shall, within their respective wards, repair and keep in repair all streets, bridges, culverts, cross walks, gutters and sewers at the expense of the ward; and in case of their neglect so to do, the common council shall have authority to require and cause such repairs to be made at the expense of the proper ward.

Section three of subchapter thirteen, amended.

SECTION 4. Section 3, of said subchapter 13, is hereby amended, so as to read as follows: Section 3. The common council shall have authority to require that any certain street or alley, or part of a street or alley, be graded, graveled macadamized or paved, as they shall determine, and that the cost and expense thereof, to the center of said street or alley, be borne and charged to the lots or premises respectively, fronting or abutting upon the portion of such street or alley for which such work is required; provided, however, that no such work shall be ordered at the expense of such abutting lots, unless a petition shall be made and presented to the common council, signed by the owners of three-fifths of the number of feet frontage of lots or parts of lots or parcels of land fronting or abutting upon the portion of street for which such work is requested, exclusive of streets, alleys and public grounds. The signing of such petition shall constitute a waiver by the signer of all claims for damages or injury. An ordinance or resolution based upon a petition shall be presumptive evidence that such petition was in accordance with the foregoing requirement.

Section four, of chapter thirteen, amended.

SECTION 5. Section 4, of said chapter 13, is hereby amended so as to read as follows: Section 4. Whenever the common council shall require or authorize any work or improvements mentioned in sections 2 and 3 of this chapter, which shall be

chargeable to lots or parcels of land, as therein provided, such work shall be made and performed under the direction and authority of the street commissioners of the ward in which the same is located. After the resolution or ordinance requiring the same shall have passed, the city clerk shall publish in the official paper of the city, at least two weeks prior to the time therein fixed for completing the work, a notice to all owners or occupants of lots or parcels of land liable to the expense of any such improvement (in which it shall be necessary only to mention the blocks or lots affected thereby), requiring such owners or occupants to do the work mentioned in such notice, within a time which shall be therein specified, and that if the said work is not completed within such time, to the acceptance of the street commissioners, the same will be let to the lowest bidder and made a charge to such lots respectively. If any such work shall be left not completed by the lot owner as required by such notice, the said city clerk shall advertise for at least ten days, in said official paper, for proposals for the doing of such work, to be received by the said city clerk at the time therein stated, and thereafter the street commissioners of said ward shall proceed to let such work to the lowest responsible bidder by contract, in the name of the city. If no bids are received therefor, the street commissioners shall let the same by contract at as low and reasonable sum as they can arrange for the same. The expense incurred by such contract or letting shall be apportioned by the street commissioners, upon the basis of the specifications filed therefor as hereinafter provided, and such part thereof as is made a charge against the lots respectively shall be certified by them and be assessed and collected against the said lots or parcels of lands as hereinafter provided; and any portion thereof made a public charge shall be paid as directed by the common council. The affidavit of the printer thereof, shall be *prima facie* evidence of the notice hereinbefore prescribed and of the time and manner of publication.

Section six, of subchapter thirteen, amended.

SECTION 6. Section 6, of said subchapter 13, is hereby amended so as to read as follows: Section 6. It shall be the duty of the common council before ordering any improvement which is charge-

able to adjoining lots under the provisions of this chapter, to have such plan, profile, or specifications made as shall furnish reasonable information of the work required, and in case of excavations or fillings, an estimate of the number of yards thereof, required of each lot or parcel affected thereby, which shall be considered as specifications of the work and be filed with the city clerk. The street commissioners may furnish such plan and information, or require the same to be furnished by the city surveyor. Any failure or irregularity therein which does not cause actual injury to or mislead the lot owners shall not affect the validity of any proceedings under this chapter.

Section seven, of subchapter thirteen, amended.

SECTION 7. Section 7, of said subchapter 13, is hereby amended so as to read as follows: Section 7. Whenever, under the provisions of this chapter, the improvement ordered shall require deep cutting or extraordinary filling in any street or sidewalk, or any portion thereof, and the owner or owners of land fronting on such deep cutting or filling shall deem himself or themselves aggrieved thereby, and he or they shall, before the expiration of the time fixed in the notice for doing the work, notify the street commissioners of the ward in writing that the expense of such filling or excavation will greatly exceed the benefit the same will be to the property charged therewith, the street commissioner shall direct, and the city marshal or any constable they shall call upon, shall summon three disinterested freeholders who are not residents of the ward in which such work is ordered, and such freeholders, after being duly sworn by the city clerk faithfully and impartially to discharge their duty in such matter, shall examine the premises and certify whether, in their opinion the cost of the work ordered will exceed the benefit derived therefrom by such lot or lots, and whether any and what portion or share of such work should be chargeable to such lot or parcel of land, and how much or what portion should be a public charge, and deliver such report to the street commissioners. Thereupon the street commissioners shall submit such report to the common council at their first regular meeting thereafter, for hearing and determination. The common council shall then consider the matters so reported and either affirm such report, or make

such order in the premises as shall deem just; and for that purpose may, at their discretion, summon and hear witnesses, either before the common council, or before a committee appointed for the purpose. If the common council shall determine that any portion of the expense of the proposed work should be a public charge, they shall order what portion should be so charged, and what portion of the expense, if any, should be a charge to the lot or lots affected thereby. Any certificate issued by the street commissioners under section 9, for the charge and expense of such work, as to such lots so affected, shall be for the portion so made a charge by such order.

Section one, of chapter 236, amended.

SECTION 8. Section 1, of chapter 236, of the laws of 1874, is hereby amended so as to read as follows: Section 1. The justices of the peace, and each and every one of them, of said city of Sheboygan, shall have like civil and criminal jurisdiction, and perform all the duties of justices of the peace as provided by the general laws of the state. Said justices shall also have original jurisdiction of all causes growing out of the violation of the charter or of any ordinance, rule, order, resolution or by-law of said city, and of all cases wherein the city is a party, as are within the jurisdiction of a justice of the peace, and the office of police justice of said city of Sheboygan is hereby abolished. And each and every justice of the peace within said city, shall make a monthly report to the common council of all fines and penalties collected by him belonging to the city, and shall be liable to a penalty of twenty-five dollars, recoverable in the name of the city, for each failure so to report as aforesaid.

Section eight, of chapter 236, amended.

SECTION 9. Section 8, of chapter 236, of the laws of 1874, is hereby amended, so as to read as follows: Section 8. The record of all ordinances of said city, as now appearing in the book of ordinances kept by the city clerk, is hereby validated, and the same or a copy of any thereof, certified by the city clerk as a true copy shall be received as evidence of the due passage, publication and recording of the same. The common council may have the ordinances of said city, or any thereof, printed in pamphlet or other form, and such publication, purporting to be by such authority, shall

be received in all courts as presumptive evidence thereof.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1885.

[No. 403, A.] [Published April 9, 1885.]

CHAPTER 322.

AN ACT to incorporate the city of Lake Geneva.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name.

SECTION 1. All the territory hereinafter described, situated in the county of Walworth, shall from and after the adoption of this charter as hereinafter provided, be a city by the name of Lake Geneva, and the people now inhabiting, and those that shall hereafter inhabit said territory, shall be a municipal corporation by the name of the city of Lake Geneva, and shall have all the general powers, rights and immunities possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

City boundaries.

SECTION 2. All the territory in the county of Walworth and state of Wisconsin, included within the following described boundaries, shall constitute the city of Lake Geneva, to wit: Commencing at the southeast corner of town two, north of range seventeen east, in said county; thence north forty chains in the east line of said town to the quarter section post therein; thence east four hundred sixty-six and sixty-nine hundredths feet in the east and west quarter line of section thirty-one in town two, north of range eighteen east in

said county; thence north four hundred sixty-six and sixty-nine hundredths feet; thence west four hundred sixty-six and sixty-nine hundredths feet to the aforesaid east line of said town two, north of range seventeen east; thence north in said town line to the northeast corner of the southeast quarter of section twenty-five in said town; thence west in the east and west quarter lines of sections twenty-five and twenty-six to the north and south quarter line in said section twenty-six; thence south in said quarter line, and the north and south quarter line of section thirty-five to the south line of said town two; thence south in the north and south quarter line of section two in town one of range seventeen east, to the east and west quarter section line in said section; thence east in said east and west quarter line and the east and west quarter line of section one, in said town to the east line of said town one; thence north in said east line, to the north east corner of town one aforesaid, constituting all the territory comprised in the village of Geneva and other territory.

Charter to be submitted to people before adoption.

SECTION 3. This charter shall be submitted to the electors residing within the limits of the territory heretofore described, and voting at a special meeting to be called for that purpose by the trustees of the village of Geneva, in the manner provided by chapter 40, revised statutes of 1878, and held in said village, and conducted in the same manner as special meetings are held and conducted in said village. The polls of such meeting shall be open from ten o'clock in the morning until four o'clock in the afternoon. Every qualified elector of this state, residing within said territory, shall be entitled to vote at said meeting. The vote upon that question shall be by ballots, upon which shall be written or printed the words, "For the charter," or "Against the charter." If a majority of the ballots cast at such meeting have thereon the words, "Against the charter," this act shall not take effect. If a majority of such ballots have thereon the words, "For the charter," this act shall be in full force and effect. The inspectors of said election shall make and certify returns of the result thereof, and file duplicates of the same in the offices of the county clerk of Walworth county, of the town clerks of the towns of Geneva and Linn, and of the village

of Geneva, and such returns shall be evidence of the facts therein stated, and the regularity of all the proceedings in relation to such meeting. In case this charter shall not be adopted at the first election held for that purpose, the same may again be submitted to the electors of said territory, at a meeting to be called, held, conducted and certified to in the same manner as above provided, at any time within three years from and after the first Tuesday in April, A. D. 1885, and if adopted at such meeting by a majority of the ballots cast thereat, shall take effect and be in full force from and after that day.

Time and place for holding first election to be designated.

SECTION 4. In case this act is adopted as the charter of said city, it shall be the duty of the village board of the village of Geneva to designate the time and place for holding the first election in each ward, appoint the inspectors of election and perform such other acts as may be required in holding the first municipal election in said city. The village board shall also act as a canvassing board for said city at the first election, and perform such duties as may be required by the board of canvassers under this act, and all officers chosen thereat shall hold their offices until the first annual election thereafter.

Ward boundaries.

SECTION 5. That part of the corporate territory lying west of the center line of Broad street and south of the north lines of sections thirty-five and thirty-six, shall constitute the first ward. And that part of the corporate territory lying east of the center line of Broad street and the lake, and south of the north line of section thirty-six aforesaid, shall constitute the second ward. And all the remainder of the corporate territory shall constitute the third ward.

How corporate authority shall be vested.

SECTION 6. The corporate authority of said city shall be vested in one principal officer, styled the mayor, and a board of aldermen consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such officers as are hereinafter provided for, or may be created under this act.

CHAPTER II.

ELECTIVE OFFICERS, ETC.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk, two justices of the peace, and two constables for the city at large, and two aldermen and one supervisor for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Terms of officers.

SECTION 2. Justices of the peace shall hold their office for two years. All other elective officers for one year, or until their successors are elected and qualified.

Officers shall be residents and electors.

SECTION 3. All officers of said city shall be residents and electors thereof, and all ward officers shall be residents and electors of the ward wherein they are elected or appointed. No person having been city treasurer for two years in succession shall be eligible to re-election until one year shall be elapsed.

Annual election, when held.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon; and ten days' previous notice shall be given by the common council in the official paper of said city of the time and place of holding such election, and of the city and ward officers to be elected.

Qualified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and shall have resided ten days next prior to any election in the ward where they shall offer to vote, shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

Elections shall be by ballot.

SECTION 6. All elections shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot and shall be deposited in one ballot-box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common

council, at such time and in such manner as they shall direct.

Board of inspectors.

SECTION 7. The aldermen in each ward shall constitute the board of inspectors of elections and they shall take the usual oaths or affirmations, as prescribed by the general election laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner and under the same laws and penalties, and vacancies in the board of inspectors thereof be filled, as required by the laws of this state regulating general elections.

Return of election to be made.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice of his election to each person so elected.

Shall have power of suspension.

SECTION 9. The mayor shall have power to suspend the marshal or any other police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two-thirds vote.

What is deemed vacation in office.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office. And the common council shall proceed to fill such vacancy as herein provided.

How vacancies shall be filled.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the

peace, such vacancy shall be filled by a new election, which shall be ordered by the common council and notice thereof given as in case of annual elections. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How special elections shall be held to fill vacancies.

SECTION 12. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner and within the same time as at annual elections, and the common council shall canvass such returns at their first stated meeting after the receipt thereof by the clerk.

CHAPTER III.

OFFICERS AND THEIR POWERS.

Officers and their duties.

SECTION 1. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution and file the same, duly certified by the officer taking the same, with the city clerk, and the clerk, marshal, constables and such other officers as the common council may direct, shall, severally before they enter upon the duties of their respective offices, execute to the city of Lake Geneva a bond with at least two sureties who shall swear that they are each worth the penalty specified in said bond over and above all debts, liabilities and exemptions, and said bond shall contain such penal sum and such conditions as the council may prescribe by ordinance. The treasurer before entering upon his duties shall also execute a bond with not less than two or more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll and each surety shall swear that he is worth a certain amount over and above all debts, liabilities and exemptions, and the aggregate of such amounts shall at least exceed

the penal sum specified in such bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns except that their bonds shall be approved by the common council.

Duties of mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and except in the election of officers shall have a vote only in the case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties; he shall at the first regular meeting of the common council in each year make out and announce such standing committees for the year, and on such subjects as may be required by ordinance or resolution of the common council; and shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. He may appoint special policemen when in his judgment the safety and good order of the city require it, but their appointment shall not continue beyond the next meeting of the common council thereafter, unless approved by said council; the compensation of such special policemen shall be fixed by the common council.

Election of president.

SECTION 3. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who for the time being shall have the same authority and power as the president. The president or temporary presiding officer while presiding over the council or performing the duties of mayor, shall be styled

acting mayor, and any acts performed by either of them shall have the same force and validity as if performed by the mayor, but the president of the council or temporary presiding officer, as acting mayor, shall sign no warrant or other proceeding whatever which the mayor theretofore has refused to sign.

Duties of the city clerk defined.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him; he shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect; he shall draw and countersign all orders on the city treasurer, and keep a record of the same; he shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax rolls delivered to him for collection, and all sums of money paid into the treasury; he shall file in his office all the chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks; he shall act as clerk of the board of equalization, and shall perform such other duties not here enumerated, as may be required by him in his said capacity by the common council or by the general laws of the state of Wisconsin, in relation to the assessment and collection of taxes in said city; he shall also have power and authority to administer oaths and affirmations, and may appoint a deputy in writing under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place, and he shall receive such compensation as the common council shall provide or allow.

Duties of city treasurer defined.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of or conferred upon him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, shall pay out the same only upon written orders,

signed by the mayor and countersigned by the clerk, and shall keep an accurate and detailed account of all receipts and disbursements, in suitable books, to be provided for that purpose, and in such manner as the common council shall direct; he shall report to the common council as often as required and annually, at least ten days before the annual election, a full and detailed statement of all receipts and expenditures since the date of the last annual report, and of the state of the treasury, which statement shall be filed with the clerk. He shall be collector of taxes in said city, and in addition to the powers and duties herein specified, shall have the same powers and duties and be subject to the same liabilities as treasurers of towns.

CHAPTER III, CONTINUED.

Powers and duties of city marshal.

SECTION 6. The city marshal shall possess all the powers and authority of constables of towns, and be subject to the same liabilities, and shall be deemed included in all writs and process directed to constables. It shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and abate all nuisances, to apprehend with or without warrant any person in the act of committing any offense against any ordinance of said city, or law of this state, and forthwith bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor or common council, or by the ordinances of said city. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment or afterwards, allow him such further compensation as it may deem prudent.

Election of city attorney and his duties.

SECTION 7. The common council may at its first meeting elect a city attorney to conduct the law business of the corporation, but the council may

omit such election and when necessary provide or employ such attorney or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation submitted to him by the common council or any of its committees, and advise and instruct all other officers in their duties when directed by the common council. He shall keep a docket of all cases to which the city may be a party in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Common council may require and prescribe duties of officers.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution the salary which shall be paid to the city clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, approved by the mayor. For the first year after the adoption of this charter such compensation shall be fixed by the common council within ten days after it shall organize, and the notice of the first election held under this charter may be given by the village clerk.

SECTION 9. If any person having been an officer

in said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver to be recovered by an action in the name of the city, and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state therefor.

Shall not be interested in any job.

SECTION 10. No mayor or alderman shall be a party to or interested in any job or contract with the city, and any contract in which they or either of them may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the city may sue for and recover the amount so paid from the contractor, and the mayor or alderman interested in the same, or either or any one of them.

Officers of the peace.

SECTION 11. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be an officer of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers and citizens; and if any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of five dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

All actions shall be brought in corporate name of city.

SECTION 12. All actions brought to recover any penalty or forfeiture under this chapter, or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to pay poll tax which shall be paid over on demand to the street commissioner. Each justice shall report to the common council on the first

Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Resignations.

SECTION 13. Any officer may resign his office by filing his written resignation with the city clerk, and such resignation shall take effect, and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

Shall not be accepted as surety on bond.

SECTION 14. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give a bond, as aforesaid, enter upon the discharge of the duties of his office until a bond shall have been filed and approved as by this act required.

Official newspaper.

SECTION 15. The council at the first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances, notices, and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Official copies shall be filed.

SECTION 16. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file and keep the same in his office.

City surveyor and his duties.

SECTION 17. The common council may also at its first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor, who shall be a practical surveyor and engineer, but the council may omit such election, and when necessary provide or employ such surveyor, as it may desire. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said

city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Powers of constables.

SECTION 18. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities, as constables of towns.

Duties of assessor.

SECTION 19. The assessor shall assess all the property subject to taxation within the city, and in the performance of his duties shall possess the same powers and be governed by the same laws and regulations as town assessors, and shall complete and return his assessment roll to the city clerk at the same time and in the same manner as town assessors are required to make returns to town clerks

Jurisdiction of justices of the peace.

SECTION 20. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace in towns, and in addition thereto shall have exclusive jurisdiction of all cases arising under the provisions of this act, and the ordinances, resolutions and by-laws enacted by the common council, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council. Their fees shall be governed by the general laws concerning fees of justices of the peace, but they shall not receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council and their powers.

SECTION 1. The mayor and the aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Lake Geneva do ordain." The common council shall hold its first annual meeting in each year on the third Tuesday in April, and thereafter stated meetings at such times as it may determine. A majority of the aldermen shall constitute a quorum.

Special meetings by common council.

SECTION 2. The common council shall hold special meetings by order of the mayor or on written request of two aldermen, filed with the clerk, and notice to each of the members, served personally, or left at his usual place of business or abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules. Its sessions shall be open and public; its proceedings shall be recorded in full, and all its papers and records and all election returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk.

Jurisdiction over Geneva Lake.

SECTION 3. The common council shall have jurisdiction over so much of Geneva Lake as lies within the corporate limits of the city, and may enact and enforce ordinances or by-laws for the preservation of the fish in the waters thereof or in the mill-race and outlet of the same, and may also by ordinance or resolution, prohibit and prevent any deterioration of the said waters, or any nuisance being cast therein, by which the health of the inhabitants of the city, or the purity of the water, shall be impaired.

Exclusive control of lake shore.

SECTION 4. The common council shall have exclusive control of the lake shore below high-water mark within the city limits, and may regulate the use thereof and prescribe rules and regulations for the protection of the same; and it may, for the preservation and protection of the shore of said lake adjoining any public grounds, streets or alleys, construct and maintain break-waters, wash-overs, piers, or any other structure or device, which in the judgment of the common council will protect and preserve such shore.

Management and control of finances.

SECTION 5. The common council shall have the management and control of the finances, and of all the property of the city; and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, punish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health, as it shall deem expedient,

and to prescribe penalties for the violation thereof, and sue for and collect the same with costs of suit; and in case of default of payment to provide for committing the person convicted to the city watch-house or the county jail of Walworth county, for a term not exceeding ninety days; or by other lawful means to enforce such ordinances, rules or by-laws against all persons violating any of the provisions thereof, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they will be not repugnant to the constitution and the laws of the United States or of this state, and for these purposes, shall have authority, by ordinance, resolution or by-law.

Issue of licenses.

1. To license, regulate, suppress or prohibit the exhibitions of common showmen or shows of any kind, or of caravans, circuses or theatrical performances, to prevent or license and regulate the keeping of billiard tables, pigeon-hole tables and bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for and regulate groceries, taverns, victualing-houses and all places for vending or dealing in spirituous, vinous or fermented liquors, or to prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than the amount provided to be paid for such purpose by the general laws applicable to this state; and provided further, that druggists or other persons whose chief business is to sell drugs and medicines, shall not be deemed within the provisions hereof, when the same are sold for medical, mechanical or sacramental purposes. Such licenses shall not be granted for a longer term than one year and shall run from the first day of May, and shall be liable to be revoked for a violation of the provisions thereof or of the statutes of this state.

Gaming and fraudulent devices.

2. To prohibit all descriptions of gaming, gambling and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the confiscation and destruction of all instruments and devices used for the purpose of gambling.

Riots and disturbances, houses of ill-fame.

3. To prevent and suppress all fights, riots, noise, disturbances, disorderly assemblages, disorderly conduct, disorderly houses and houses of ill-fame.

Nuisances.

4. To declare what are nuisances, and to prevent or abate the same.

Cleanse nauseous places.

5. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome or nauseous house or place, to cleanse, disinfect, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses, gunpowder, etc.

6. To direct the location and management of slaughter-houses and markets, or to prevent the unauthorized erection or use thereof within the city, and to regulate the storage, safe keeping and conveying of gunpowder or other explosive or combustible materials.

Obstructions on streets.

7. To prevent the incumbering or obstruction of streets, sidewalks, cross walks, public grounds, parks, lanes, alleys or bridges, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs or other materials or substances of whatever name or kind, upon the bridges in said city.

Recording lots and blocks.

8. To re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds.

Horse-racing and immoderate driving.

9. To prevent horse-racing and immoderate riding or driving in the streets, and upon any and all bridges, and to regulate bathing and swimming in the waters within the limits of said city.

Restrain cattle.

10. To restrain, regulate or prohibit the running at large or pasturing upon the public streets, highways, alleys or public grounds of neat cattle, horses, mules, swine, sheep, goats, poultry or geese, and to authorize the distraining, impounding and the sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto;

to establish pounds and regulate and protect the same.

Dogs. 11. To regulate or prohibit the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Putrid carcasses. 12. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass, meat, fish or other unwholesome substances, and to require the removal of the same by the owner thereof, or by the person bringing, depositing or having the same upon his premises, and on default, to authorize the removal thereof by some competent officer at the expense of such persons or persons.

Hacks, omnibuses, etc. 13. To regulate, license or suppress omnibuses, hacks, cabs, drays, carts, and to regulate the charges of omnibus drives, hackmen, cabmen, draymen and cartmen in the city.

Boards of health. 14. To establish and regulate boards of health, provide hospitals, dispensaries, pest-houses and cemetery grounds, to enclose, lay out and ornament such grounds and sell and convey lots therein; to regulate the burial of the dead, and return the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Driving on sidewalks. 15. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any unnecessary damage to such sidewalks.

Fire-works. 16. To prevent bonfires and the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the common council as dangerous to the city or any property therein, or annoying to the citizens thereof.

Drunkenness. 17. To restrain and punish drunkenness, immoderate drinking or any obscene or indecent exhibition or conduct in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same; and to restrain and punish vagrancy, mendicancy, and prostitution.

Runners. 18. To restrain and regulate runners and solicitors for stages, steam-boats, public-houses or other establishments, and to make rules and ordi-

nances for the government and regulation of the police of said city.

Lay out and open parks, streets, etc.

19. To establish public parks and walks, inclose, improve and ornament the same; to lay out and open public streets and alleys, and to change, enlarge, extend or vacate the same; to establish and maintain public sewers and drains, and for these purposes to acquire and use any lands in said city, in the manner hereinafter provided; to care for and protect all lands which heretofore have been or hereafter may be required for or dedicated to any of the public uses aforesaid; to prohibit and prevent their diversion to any other use or uses, or in its discretion to permit, license, and regulate, under such restrictions and upon such terms as it shall prescribe, such concurrent uses thereof, not inconsistent with that to which they have been so dedicated, as to it may seem beneficial or necessary.

Protect buildings.

20. To control and protect the public buildings, property and records, and insure the same.

Planting and trimming trees.

21. To provide for and regulate the planting and trimming of trees within the streets and public grounds of the city, and prohibit the planting of such trees as are or may become nuisances and to provide for the removal of such as are already planted.

Markets for provisions.

22. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions; establish and regulate markets and restrain sales in the streets.

Fuel, hay, etc.

23. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow, rubbish, etc.

24. To compel owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants.

Contagious or infectious diseases.

25. To regulate, control and prevent the landing or passing through said city of persons from boats, vessels, cars, stages or other conveyances,

who are infected with contagious or infectious diseases, and to make such disposition of such persons and their property as will preserve the health of said city.

26. To license auctioneers, peddlers and transient dealers and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of the amounts received from sales by auctioneers or transient dealers or the payment of a license, or both, as the common council shall determine. Auctioneers, peddlers, etc.

27. To appoint watchmen and policemen and prescribe their duties. Watchmen and policemen.

28. To purchase, build or lease, maintain and regulate a watch-house, or place for the temporary confinement of suspected persons and offenders against the statute or city ordinances. Watch-houses.

29. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, and to prevent unnecessary waste of water. Pounds.

30. To erect lamps and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. Lighting streets.

31. To prohibit the carrying or wearing by any person under his clothes, or concealed about his person any dangerous or deadly weapon; and to provide for the confiscation or sale thereof. Concealed weapons.

32. To prohibit and punish the abuse of animals and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground. Abuse of animals prohibited.

33. To construct and maintain at the expense of the city on the shore of Geneva Lake, within the city limits, wharves, docks or piers for the landing of boats and to charge and collect reasonable wharfage for the landing or dockage of public boats thereat, to lease such wharves, docks or piers, and the wharfage privileges and franchises appertaining to the same, to grant permission to construct and maintain public or private docks, wharves and piers at the ends or sides of public streets or other public grounds abutting or bordering on the lake shore within the city limits Wharves, docks, and piers.

and to authorize the collection of wharfage by the owners from public boats making use of the same, to establish, control and regulate the rates of wharfage within the city, and make laws regulating the construction, location and use of all such wharves, docks and piers and to revoke any lease, permit, license, privilege or franchise granted under the provisions of this subdivision, for violation of any lawful rule or regulation of the common council in respect thereto.

Stagnant waters.

34. To provide for the removal of stagnant water and the draining and removal of obstructions from any water-course within the city limits and to prevent the obstruction or defilement thereof.

Hitching teams.

35. To prohibit the hitching of horses, teams or animals to any fence, tree, pump or monument and to prevent injuries thereto.

Bread.

36. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Inspection of steamboats.

37. To provide for the inspection and regulation of steam-boats and steam boilers; to provide a code of signals and rules and regulation to govern boats navigating the waters of the lake within the municipality; and to prevent unnecessary noise from steam-whistles.

Regulate location of railways.

38. To regulate and control the location and construction of all railroads, and the running of engines and cars within the corporate limits of the city; to license, regulate and control street railways, and the running of street cars therein; and no railroad, nor any branch or spur track of any railroad, shall be laid, constructed or extended, nor shall any street railway be laid, operated or extended within the city limits except in pursuance of a license from the common council, to be obtained in such manner as they shall prescribe by ordinance.

How ordinances shall be signed.

SECTION 6. All laws and ordinances shall be passed by a majority vote of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor, and shall be published once a week for two successive weeks in the official newspaper of the city, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before the said

laws, ordinances or regulations shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of said newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

When ordinances shall take effect.

SECTION 7. All ordinances shall take effect from and after their approval and publication.

Power of veto.

SECTION 8. The mayor shall have power to veto any ordinance, by-law, act or resolution passed by the common council, by notifying them of his objections thereto in writing at the same or the next succeeding stated meeting of the council, and in case the council shall not at their next stated meeting subsequent to the receipt of such objections reenact such ordinance or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, by-law, act or resolution presented to him at the same or the next stated meeting of the council after the passage thereof, it shall take effect and in the same manner as if he signed it.

Reconsidering votes.

SECTION 9. No vote of the common council shall be reconsidered at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Shall not bar or hinder suits.

SECTION 10. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses and houses of ill-fame are hereby declared and shall be deemed public or common nuisances.

Examine and adjust accounts.

SECTION 11. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or

agent shall refuse to comply with the orders of the council in the discharge of his duties in pursuance of this section, or shall willfully neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and it shall cause to be made a full record of all its proceedings relating to the matters mentioned in this section.

Inspecting compensation.

SECTION 12. No compensation or salary shall be paid to the mayor or any alderman of said city except such fees as are now or may be hereafter allowed by law.

Contracts shall be let to lowest bidder.

SECTION 13. All contracts for work ordered by the common council of said city, the expense whereof shall exceed the sum of fifty dollars, shall be let to the lowest reasonable and responsible bidder who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city in a penal sum equal to the amount of the bid, which bond shall be signed by the bidder and by a responsible surety who shall justify that he is worth the sum mentioned in such bond over and above all debts, liabilities and exemptions; such bond shall be conditioned that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties to perform the work specified; and in case of failure said bond may be prosecuted in the name of the city and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action.

CHAPTER V.

LAYING OUT AND OPENING OF STREETS, ALLEYS, ETC.

Laying out of streets, etc.

SECTION 1. Whenever ten or more freeholders residing in the city shall, by petition filed with

the city clerk, apply to the common council to lay out, enlarge, widen or extend any street, alley, park, public walk or other public grounds therein, or any public drain or sewer for the use of said city, for which purpose it shall be necessary to take private property, and shall be set forth in such petition a description by course and distance, metes and bounds, or other appropriate form of words, of the lands proposed to be taken or used therefor, together with the names and residences of the owners of such lands, if known to the petitioners; the common council shall, as a body or by its proper committee, proceed in person to view the lands, proposed to be taken, and inquire into the merits of such petition, and in case its determination or the report of such committee shall be adverse thereto, no further action shall be taken in the matter, until the petitioners shall cause to be executed and delivered to the treasurer of the city a bond in the penal sum of five hundred dollars with sureties to be approved by the mayor, conditioned that they will prosecute their application to effect and will pay all costs and charges which the city may sustain in consequence thereof. But in case such determination or report be favorable, or the requisite bond be given as herein provided, the council shall cause to be made and filed with the clerk, an accurate survey and plat of such lands, showing each separate parcel to be entered upon or taken for the purpose specified, and as near as practicable the amount thereof, and shall thereupon by resolution fix a day, hour and place, when and where it will apply to the county judge of Walworth county or to a specified justice of the peace of the city (who shall have no title or interest in the lands so to be taken, or used), for the appointment of a jury to condemn and appraise the said lands.

Notice of application for a jury.

SECTION 2. The city clerk shall thereupon make out and subscribe a notice of the adoption of such resolution, embracing a copy thereof, and notifying all persons interested that the city will at the time and place named, apply to such judge or justice of the peace for the appointment of a jury for the purposes aforesaid. A copy of such notice shall be served by the city marshal or by the sheriff or any constable of the

county, upon the owner or owners of each such parcel of land to be taken or used as aforesaid, if known and a resident within the county, and upon the occupant or occupants of such lands if any there be, not less than ten days before the time fixed for such application; such service to be made in the manner prescribed for serving a summons in the circuit court, and the return of the officer shall be conclusive evidence of the facts recited therein. If the notice cannot be so given as to all the parcels, then the same shall also be published once in each week for three successive weeks prior to said time in the official paper of said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Application to be filed with judge or justice.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice as provided in the last section, shall be filed with the judge, or justice, who shall thereupon make a list of twenty-four competent jurors, not interested, but residents of the city shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the city, by its representatives on the one side, and the owners of lands or their agents present, or if none be present, or they disagree, a disinterested person, appointed by the judge, or justice, on the other, shall challenge six names, one at a time, alternately, the city beginning. To the twelve jurors remaining, such judge, or justice shall issue a precept, requiring them, at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him, to be sworn and serve as a jury, to view lands and appraise damages, and at the same time, shall publicly adjourn

the proceedings to the time and place so named; such precept shall be served by the marshal or other officer aforesaid, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family.

Jurors to appear at time and place named.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury to view the lands to b taken.

SECTION 5. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party which shall be reduced to writing by such magistrate and for such purpose, such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall

be selected, summoned, sworn and proceed in the same manner.

In case land or buildings belong to different parties.

SECTION 6. If the lands or buildings to be so taken belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate therein less than an estate in fee, the injury done to such person or interest respectively, shall be awarded by the jurors to the person entitled thereto, less the benefits resulting to such interests respectively from the proposed improvements.

When whole tract of land is leased.

SECTION 7. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance, shall be taken or used by virtue of this act, and compensation shall have been made or provided for parties interested, all covenants, contracts, engagements or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appeal, as hereinafter provided, respectively cease and be absolutely discharged.

Also in case only a part of land be taken.

SECTION 8. When only part of the lot or tract of land or other premises so under lease or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

Appeal when it can be made.

SECTION 9. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him, in such verdict to the circuit court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeals from the whole award to him or a part, and if a part what part; and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall

be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annexed a copy of all the papers and proceedings before him with his certificate thereof. He shall after the time for appealing is expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings.

Appeal shall be considered an action.

SECTION 10. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

In case verdict of jury is in favor of taking the land.

SECTION 11. If the verdict of the jury first called find it necessary to take such land or any part thereof, the city council may, upon return thereof to the clerk, enact an ordinance according thereto for laying out, changing widening or extending and opening any such street, alley, public grounds, square or other public place, or constructing and opening, altering, enlarging or extending any such drain or sewer, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him to be deposited with the clerk to permanently remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings therefore taken and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall

be paid by the city, except when it recovers costs in the circuit court.

How expenses and damages are to be paid.

SECTION 12. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in the last preceding section, the city may by resolution, levy and assess the whole or any part, not less than half of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk, shall be published once in each week for two weeks, in the official paper of the city, or if there be no such newspaper, three copies thereof shall be posted by the clerk in three of the most public places in such village, and a notice therewith that at a certain time therein stated, the said common council will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed, the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the annual return by the city treasurer of delinquent taxes next thereafter any party liable may pay any such tax to the city treasurer; but if any such tax shall then remain unpaid, the same shall be returned and like proceedings be had as provided in case of other delinquent taxes in said city.

In regard to discontinuing streets.

SECTION 13. Upon the petition in writing of all the owners of lots or land bordering thereon and not otherwise, the board of directors may discontinue such street or alley, or any part thereof. At least one week before acting on such petition, the board shall cause a written or printed notice to be posted in three public places in such village, stating when the petition will be acted on, and what street or alley or part thereof is proposed to be vacated.

Directions only directory.

SECTION 14. All the foregoing directions given in this chapter shall be deemed only directory,

and no errors, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VI.

POLL TAX.

Raising poll tax.

SECTION 1. The common council of said city shall have, and it is hereby given power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents to be denominated a poll tax and to be appropriated to the improvements of streets, roads, alleys and cross walks in said city.

List of persons to be made out.

SECTION 2. On or before the twentieth day of May in each year the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years liable to pay such poll tax with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the 1st day of June in each year the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax and shall demand the same once of each person named in the list, and if any person neglects to pay the same for ten days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit before a justice of the peace of such city, and in default of payment of such judgment execution shall issue against the defendant as in case of tort, and the first process in such action shall be a civil warrant; provided, the council may by resolution cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such taxes as the treasurer, and

shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office, and the treasurer or the street commissioner, while said list is in his hands for collection shall put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

Street commissioner to be chosen.

SECTION 3. The common council shall, at its first meeting for organization in each year, or as soon thereafter as possible choose by ballot a street commissioner who shall perform such duties in the improvement and repair of streets, roads, alleys, cross walks, gutters, sewers and other public works as the common council shall direct; he shall collect the poll tax when placed in his hands as above provided, and under the direction of the common council, expend the same on the streets, alleys, cross walks, and highways in said city, and the common council may, by resolution, direct the expenditure of not to exceed one-third of the poll tax upon the highways leading into said city outside the corporate limits.

Street commissioner to give bond.

SECTION 4. Every street commissioner hereafter appointed by the common council shall before entering on the duties of his office, give a bond to the city of Geneva with one or sufficient sureties to be approved by the council, in the penal sum of not less than fifteen hundred dollars, conditioned to render an account to the common council, whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required all property of said city that may come into his hands; to use, disburse or pay over as required by law or ordinances of said city, all moneys that may have come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of street commissioner and his duties.

SECTION 5. The street commissioner shall hold his office for the term of one year from the third Tuesday in April of the year in which he is appointed, unless sooner removed, as provided in section 7, of this chapter. He shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount

received and disbursed by him, the name of every person from whom money or labor is due, the amount paid in money and labor, and a correct account of all expenditures by him made as such street commissioner. The book containing the account so kept, together with the vouchers for all expenditures, shall, at all times, when required, be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, for the inspection of the taxpayers of said city, He shall also, on or before the first Monday in November in each year, and as often as the common council may require, render an account under oath, showing the amount of money collected by him as said street commissioner, from whom it was collected, and the amount by him expended, specifying the work for which it has been expended.

Compensation of street commissioner.

SECTION 6. The street commissioner shall receive such compensation for his services, which may be by a per diem or a percentage upon the tax collected and expended, as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed except in the manner heretofore prescribed for changing compensation of other officers.

Removal of street commissioner.

SECTION 7. The common council may, for good cause, by a two-thirds vote of the aldermen, remove the street commissioner and declare his office vacant, after giving him due notice and a chance to be heard, and appoint his successor.

Return of unpaid poll taxes.

SECTION 8. The street commissioner shall return all unpaid poll taxes in the manner prescribed for such return by the overseer of highways in towns.

CHAPTER VII.

STREET IMPROVEMENTS.

Control of streets, etc.

SECTION 1. The common council shall have general control and supervision of all streets, alleys, bridges and highways within the municipality, and may, whenever they deem it necessary, cause the same to be cleaned, sprinkled, graveled, graded or otherwise repaired, and cross

walks upon or along the same to be built or repaired at the expense of the city.

Grading streets etc.

SECTION 2. The common council may also cause any street, or any part of a street, not less than sixteen rods in length, to be graded, paved, macadamized, or otherwise improved, or gutters to be built, either wholly or in part at the expense of the adjacent property, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of at least one-half the frontage of such street or part of street to be improved; or may order any gutter on one side of a street, or such part of a street to be built as aforesaid on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may without petition order any gutter previously built to be put in repair or rebuilt.

Tax for improving streets, etc.

SECTION 3. For the purpose of so improving any street or building or repairing any gutter, the common council may levy and cause to be collected, upon the lots, tracts, or parcels of ground adjacent to such street or part of street improved or on the side thereof where only such gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement, as ordered, opposite such property to the center of the street, or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed; in which case the remainder of such expense shall be paid from the city treasury. Every such tax for repairs shall be for the entire cost thereof in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon, to make good such deficiency.

Sidewalks to be constructed on proper grounds.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired, upon the proper established grade, of any street in said city, upon petition therefor in like manner as provided in section 2, of this chapter, for the building and repairing of gutters, and shall be of such width and materials, and built or repaired in such manner and in such time, as the common council,

by resolution, ordinance or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct or repair such sidewalk as aforesaid, the common council may cause the same to be done at the expense of such owner or owners, and the common council shall levy a special tax upon each lot or piece of ground in front of and adjacent to which such sidewalk shall be constructed or repaired sufficient to pay the cost thereof.

Tax warrant to be made out.

SECTION 5. Whenever the common council shall levy any such tax as specified in the preceding section they shall make out and deliver to the treasurer of such city a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and clerk, for the collection of such tax, and thereupon the treasurer shall notify the persons named in such tax roll by publishing a notice thereof, two weeks in the official paper of said city, and shall specify in such notice a time or times not more than forty days from the date thereof when such taxes must be paid.

Certified list to be made out after forty days.

SECTION 6. At the expiration of forty days from the date of said notice given by said treasurer he shall make out and deliver to the city clerk a certified list of the lots, pieces or parcels of lands in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land; and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Delinquent property may be repaired at expense of city

SECTION 7. When any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

In case sidewalk or gutter is in a dangerous condition.

SECTION 8. Whenever the public convenience or safety shall require any sidewalk or gutter in a dangerous condition to be immediately repaired and the cost of the repairs will not exceed the

sum of ten dollars, the street commissioner may give written notice to the parties subject to the tax for the repairs thereof, if known and residing in said city, that unless such sidewalks or gutter, therein to be specified, be repaired to the satisfaction of the street commissioner within twenty-four hours thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, or whenever the owner shall be a non-resident or unknown, such commissioner shall make such repairs, and return the cost as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

Ornamental trees may be ordered to be set out.

SECTION 9. The common council shall have power to require the owner of any lot or parcel of ground in the city to set out ornamental trees in the street or streets bordering on the same, and, in default thereof, to cause the same to be done and to levy a special tax upon such lot or parcel of ground to pay the expense of the same.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof may be erected, repaired or removed, and to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof material and in such a manner as it may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Regulate the construction of buildings.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in

or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

May purchase fire-engines.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and to prohibit their meetings as such when disbanded. Each company shall be officered and governed by its own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

CHAPTER IX.

SCHOOL–DISTRICT.

School-district to remain intact.

SECTION 1. The school-district now embracing the present village of Geneva, and a part of the towns of Geneva, Lyons and Linn shall remain intact, and the same territory shall remain therein, excepting there shall be added thereto any and all territory within the limits of the city not heretofore contained in said school-district, and the management of school matters shall remain the same as it has heretofore existed in the said village of Geneva.

CHAPTER X.

AUDITING ACCOUNTS.

Accounts shall be audited and allowed before paid.

SECTION 1. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every such account shall be made out by items and verified by affidavit, endorsed or annexed to the effect that the same is just and correct and no part thereof paid (or if paid in part, except as therein stated), and that said account has not been presented before. When an account shall have been audited, the clerk shall endorse on each account the word, "allowed" or "disallowed," as the fact is, adding the amount allowed if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account allowed in whole or in part shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have endorsed the number of the order issued in payment therefor, and the clerk shall take receipts for such orders.

How common council may issue negotiable order or borrow money.

SECTION 2. Neither the common council nor any officer of the city shall have power to issue any time or negotiable order, or borrow any money except in the manner and for a purpose expressly declared by statute or by this act, but

the common council may, in case of temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order, and for the payment of such order, the city tax for the same year or a sufficient amount thereof shall stand irrevocably pledged.

Personal property shall not be sold for city debts.

SECTION 3. No real or personal property of the city or any of its inhabitants or of any individual or corporation therein shall be levied on or sold by virtue of any execution issued to satisfy any judgment against said city.

Not liable on account of defective sidewalks.

SECTION 4. Neither the city nor any officer thereof shall be liable for any damage that may happen by reason of any defect or insufficiency of any sidewalk, street, highway or bridge in said city, unless some member of the common council or the street commissioner shall have first had actual notice of such defect or insufficiency and reasonable time thereafter to repair the same or place the same in good order, or unless the same shall have existed for so long a time that notice may be presumed.

How to bring action for personal injury.

SECTION 5. No action for personal injury shall lie or be maintained against the city unless a statement in writing, signed by the person injured, or claiming to be injured, by any act or neglect of the city or any of its officers, of the injury and time, place and circumstances thereof, and the amount of damages claimed, shall be presented to the common council within thirty days after the occurring or happening of the injury alleged nor unless such action be commenced within one year after the date of such injury.

Personal examination shall be made by city physician.

SECTION 6. No such action shall lie or be maintained against said city, unless the person claiming injury shall permit the mayor or common council, by a physician of his or its appointment, to make personal examination of the alleged injury as often as is reasonable, after the time of

its infliction, until the amount of damages is adjusted.

Claims must first be presented before action can be maintained.

SECTION 7. No action shall hereafter be maintained by any person against the city upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city; nor unless such claim shall have been presented within one year after the same shall have accrued.

Determination of council conclusive.

SECTION 8. The determination of the common council, disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an action be brought within one year thereafter; provided, however, that when the council shall refuse or neglect to act upon a claim to it duly presented, this chapter shall not be construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER XI.

FINANCES AND TAXATION.

All funds under control of council.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk; duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Majority must rule in the matter of finances.

SECTION 2 No debt shall be contracted by the city, or order be drawn upon the city treasurer, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council whenever the same shall be asked for by any one member, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, or for the payment of indebtedness now existing. City orders shall be receivable for all city taxes, except school and special taxes for

bridge and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city or the city's proportion of the bonds of the town of Geneva, which shall be collected in money or in orders, drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn.

Annual tax levy.

SECTION 3. The common council shall annually levy a tax not exceeding one per centum upon the total assessed valuation of the city, to defray the current expenses thereof, including highway tax, and for schools, bridges, and the bonded indebtedness of said city such sum as a majority of the electors thereof shall vote at any annual or special meeting.

All moneys shall be paid into the treasurer.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a unanimous vote of the common council.

All property except exempted by law, subject to taxation

SECTION 5. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilites, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except as far as may be altered by this act; provided, however, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors.

Governing assessors.

SECTION 6. The assessors elected by virtue of this act shall in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Board of review, how constituted.

SECTION 7. The mayor, supervisors, clerk and assessor shall constitute the board of review and shall meet at the chambers of the common coun-

cil on the first Monday in August, in each year, and shall proceed in all respects as town boards are required by law to proceed.

Equalizing and assessing.

SECTION 8. The county board of the county of Walworth, in equalizing the assessment rolls of the several towns in said county, shall regard the city of Lake Geneva as an individual municipality and may levy taxes thereon as provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk, in manner provided by law in relation to town clerks.

How assessment roll shall be made out.

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out on the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all special taxes levied by the common council, since making out of the last annual tax roll, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called, "the tax roll of the city of Lake Geneva," to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said tax roll in the manner provided by law, and the said clerk shall, on the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the treasurer for collection.

Tax roll to be prima facie evidence.

SECTION 10. The tax roll made out as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done relating to assessing and levying of taxes, from the election of officers to the completion of the tax roll inclusive, had been done, regularly and correctly, as required by law.

CHAPTER XI.

City treasurer shall proceed like town treasurer.

SECTION 11. The city treasurer, upon receipt of such tax roll, shall proceed to collect the taxes therein in like manner, and shall have like powers and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as

therwise provided in this act. The city treasrer shall receive one per cent. fees upon all taxes aid to him before the tenth day of January, and hree per cent. fees on all taxes collected after hat time, including special taxes, to be added to he amount of taxes and collected with the same, nd he shall receive five per cent. fees for colecting the poll taxes, which shall be in full for all ervices performed by said treasurer under this ct or the ordinances of the city.

Delinquent tax list to be returned.

SECTION 12. On or before the fifteenth day of ebruary of each year, unless the time be exended as provided by law, the city treasurer shall nake out and return to the treasurer of Walworth ounty a list of all lands, lots and personal proprty upon which taxes have not been paid, and hall also settle with and pay all moneys properly ayable to said county treasurer in like manner s is now or may hereafter be required of town reasurers; and all the provisions of chapter 49, of he revised statutes of 1878, and acts amendatory hereof, shall extend to and may be enforced to ollect any delinquent personal property tax.

County treasurer to sell lands and lots.

SECTION 13. The county treasurer shall sell all lelinquent lands and lots returned from the city f Lake Geneva at the same time and in the same nanner as other delinquent lands are sold in the ounty.

All directions deemed only directory.

SECTION 14. All the directions hereby given xcept in section 9, of this chapter for assessing f lands, and the levying, collecting and return f taxes, and the sale thereof, shall be deemed nly directory, and no error or informality in the roceedings of any of the officers entrusted with he same, not affecting the substantial justice of he tax itself, shall vitiate or in anywise effect he validity of the tax or assessment.

Special taxes may be levied for general city purposes.

SECTION 15. In addition to the amount herein imited for taxes for general city purposes, special axes may be levied for the purchase of fire-enines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no ch tax shall be levied unless the same shall first recommended by the common council and terwards submitted to a vote of the people and pproved by them. Whenever the common coun- shall recommend such a tax, it shall specify e amount to be raised and the object thereof,

and cause notice thereof and of the time and place of voting thereon to be published in the same manner as in case of the annual city election.

Treasurer to report when there is no money in treasury.

SECTION 16. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the common council at the first stated meeting thereafter. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, the council shall take such action as will enable the city to preserve its credit.

Order in which taxes shall be paid.

SECTION 17. Out of the taxes collected by the city treasurer, the state tax shall first be paid, then all school taxes, then county taxes, then judgments, then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law.

Disposing of unfinished business.

SECTION 18. The common council shall meet on Tuesday evening, one week previous to the holding of the charter election for the purpose of disposing of the unfinished business, and shall not thereafter during its term of office allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

Investment of surplus funds.

SECTION 19. All surplus funds belonging to the city not needed for immediate use may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interests and profits arising from such investment shall belong to the city and shall be accounted for in the same manner as other funds are accounted for.

CHAPTER XII.

ACTIONS TO RECOVER PENALTIES.

Actions to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this

act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process shall be by summons.

SECTION 2. In all prosecutions for any violation of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for warrant, as hereinafter provided.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Walworth, } ss.
City of Lake Geneva, }

Form of summons.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Lake Geneva:

You are hereby commanded to summon A. B., if he shall be found within your your county, to appear before the undersigned justice of the peace, in and for said city, at my office in said city, on the ——— day of ———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Lake Geneva, to the damage of said city, two hundred dollars or under.

Given under my hand, this —— day of ——, 18——.

C. D., Justice of the Peace.

Return of summons.

SECTION 4, Such summons shall be made returnable and be served in the same manner as is now, or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace by summons; and all proceedings in the action except as hereinafter provided, shall be governed by the laws of the state for the time being relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint for summons.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

City of Lake Geneva }
against } In Justice Court.
A. B. }

Before C. D., justice of the peace.

The plaintiff complains against the defendant for that the defendant on the —— day of —— 18—, at the said city, did violate (section —— of chap-

ter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Lake Geneva to recover of the defendant the sum of —— dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

Form of complaint.

SECTION 6. In all cases where application is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

City of Lake Geneva, against A. B. } Before C. D., Justice of the Peace.

County of Walworth—ss.

E. F., being duly sworn, on oath, complains to C. D., justice of the peace in and for the city of Lake Geneva, in said county, that A. B, on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section —— of an ordinance, or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that said A. B. may be arrested, and held to answer to said city of Lake Geneva therefor.

Sworn and subscribed to before me, this —— day of ——, A. D. 18—. —— ——.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of said complaint with a justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Walworth, City of Lake Geneva. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Lake Geneva, greeting:

Whereas, —— —— has this day complained to me in writing on oath that A. B., on the —— day of ——, 18—, at said city, did violate (section

—— of chapter —— of this act, or section ——, of an ordinance, by-law, or regulation of said city describing it by its title), which said —— is now in full force as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Lake Geneva on the complaint aforesaid.

C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court for his, her, or their appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the watch-house in such city or the common jail of Walworth county, and shall be received and kept therein the same as in criminal actions, except as modified by this act or the ordinances of said city. The complaint made aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

Printed copy shall be prima facie evidence.

SECTION 2. A printed copy of an ordinance by-law or resolution, passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend without fees in advance.

SECTION 8. Witnesses and jurors shall attend before justices of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof upon process duly served, and in default thereof, their attendance may be compelled by attachment.

Trial by jury.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the rights of trial by jury, as in civil actions in justices courts, and the findings of the court shall be either "guilty" or "not guilty." If guilty, the county shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the

violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof the justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case, determine and enter upon its docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Walworth, } ss.
City of Lake Geneva. }

Form of execution.

The state of Wisconsin, to the sheriff, or any constable of said county or to the city marshal or policemen of said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Lake Geneva, on the —— day of ——, 18—, recovered a judgment before the undersigned justice of the peace in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents of suit, for the violation of (section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title); you are hereby commanded to levy by distress of the goods and chattels of the said —— ——, (excepting such as the law exempts), and make sale thereof, according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said —— ——, and him convey and deliver to the keeper of the common jail of Walworth county; and said keeper is hereby commanded to receive, and keep in custody, in said jail, the said —— ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—. C. D., Justice of the Peace.

The form of the commitment shall be substan-

tially the same as that of the execution, omitting all that relates to the levy and return of writ.

Defendant may appeal.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in an action commenced under the provisions of this act, may appeal from such judgment in the manner provided by the general laws of this state; such defendant shall within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings, and a copy of the entries on the docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to stand for trial.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered; and no notice of trial shall be required to be given to or by either party.

Recovery of judgment.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Shall not work incompetency.

SECTION 13. No person shall be incompetent to the office of judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Village ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of Geneva and not inconsistent with this act, shall remain in force until al-

tered, modified or repealed by the common council after the act shall take effect.

Village action to be assumed by city.

SECTION 15. All actions, rights, and penalties, dues and forfeitures, which have arisen or accrued under the several ordinances of the corporate village of Geneva, or which may hereafter arise or accrue under said ordinances, during the time they may remain in force, as provided in the last preceding section, shall be vested in and prosecuted by the corporation hereby created.

How service to be made against city.

SECTION 16. When any action or suit shall be commenced against said city, the service thereon shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city so served forthwith to inform the common council thereof, or take such action or proceedings as by the ordinance or resolution of said council may be in such cases provided.

Penalties and forfeitures to be paid into the city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

General bridge laws are to be in force.

SECTION 18. The general laws for the preservation of bridges, and the punishment provided by such laws, for the willful and malicious injuries done thereto, are hereby extended to and shall include all of the bridges extending across watercourses in said city, and shall apply to any willful or malicious damage which may be done to them by any person or persons whatever; and the common council of said city may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or watercraft, or by the master or any person in command thereof, such vessel or watercraft may be proceeded against by the said city under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

Village plats to be adopted by city.

SECTION 1. The plats of the village of Geneva, and the additions thereto heretofore executed and

recorded, are hereby adopted as plats of the city of Lake Geneva, and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as the "original plat of the village of Geneva, now city of Lake Geneva," or the plat of a specified ddition to the village of Geneva, now city of Lake Geneva, and in like manner with the plats of other additions, or in any other manner, so as to describe the land with reasonable certainty.

Poor laws to be in force.

SECTION 2. All laws in relation to the support of the poor in towns shall apply and be in force in said city.

Money in village treasury to be transferred to custody of city.

SECTION 3. All moneys, property, effects and credits belonging to the present village of Geneva shall belong to the city of Lake Geneva and shall be transferred to the proper officers of said city by the persons in charge of the same as soon as such officers shall be elected and qualified; and the title to all real estate and public grounds now belonging to said village of Geneva shall pass to and vest in said city of Lake Geneva.

Public lands in village to go to city.

SECTION 4. All lands in said village of Geneva which are now appropriated to the public use as streets, alleys, public walks, parks or other public grounds, shall continue dedicated to such public use, and shall be in the charge and subject to the control of the common council, which may by ordinance or resolution prohibit and prevent the diversion of said lands to other or different uses, or the imposition thereon of additional easements, burdens or users, or may, in its discretion, license, control and regulate such other concurrent uses not inconsistent with the use to which the same may be dedicated, as in its judgment shall seem reasonable, necessary and proper.

Lawful debts of village to be assumed by city.

SECTION 5. Any lawful debt, claim, demand or right of action against the present village of Geneva, shall on the adoption of this charter, become a lawful debt, claim, demand or right of action against the city of Lake Geneva which shall be deemed to all interests and purposes the legal successor to said village and invested with all its rights and subject to all its liabilities.

Boards of review shall meet—time fixed.

SECTION 6. The boards of review of the city of Lake Geneva and the town of Geneva shall meet at some convenient place in said city at such time

as the common council shall determine not later than sixty days after the first election of officers under this act (due notice of which meeting in writing subscribed by the city clerk, shall be served upon each member of said board either personally or by leaving a copy at his usual place of abode, not less than five days previous to such meeting) for the purpose of equalizing and apportioning the bonded indebtedness of said town, said boards shall at such meeting compute and determine from the last assessment roll of the town of Geneva the relative aggregate valuation of all property in said town and said city respectively, which is liable to taxation for the payment of said bonded indebtedness, and upon the valuation so ascertained shall apportion and set off to said town and said city respectively the proportionate share of said indebtedness to be paid by each, and if the outstanding bonds of said town at the time of such apportionment shall be due and payable at different dates they shall determine and specify, by numbers and accounts, which of said bonds shall be assumed by and chargeable to each municipality.

Apportionment shall be incorporated in a resolution.

SECTION 7. The apportionment so made shall be incorporated in a resolution to be certified in duplicate by the mayor and clerk of the city and the chairman and clerk of the town, and one copy thereof shall be filed in the office of each of said clerks; and from and after such apportionment the said city shall be liable for and shall provide by tax for the payment of the portion of said bonded indebtedness so allotted to it together with the interest thereon as it matures and the town shall in like manner be liable for and provide by tax for the payment of its proportion thereof as so determined and allotted. And in case either said city or said town shall pay more than its share of said indebtedness as so apportioned it shall have a valid claim against the other for the excess paid by it and may recover the same by action, the amount due from said city shall be paid over annually or as often as it matures to the town treasurer, and shall constitute a special fund in his hands for the payment of said bonded indebtedness so chargeable to the city, and shall not be expended or used for any other purpose whatever.

SECTION 8. In case any of the bonds of said town so apportioned shall be subject to an option in respect to the time of payment, such option may be exercised by a majority of the electors residing in the territory constituting said town of Geneva at the time of the issue of said bonds, voting at a special election called and held for that purpose in the manner hereinafter provided. In case there is a difference of opinion.

SECTION 9. A special election for the purpose above mentioned shall be called by the common council of the city, or by the board of supervisors of said town, whenever a petition therefor, signed by fifteen of said electors, shall be filed in the office of the clerk of said city or said town, and notice thereof, specifying the time, place and purpose, shall be given by the authority so calling it, in both said town and said city, for the same period, and the election shall be conducted in like manner as in case of special town meetings. The board of supervisors and clerk of said town, and the clerk and three aldermen of said city, to be designated by the mayor, shall constitute the inspectors of such election, and they shall certify the result of the election in duplicate and file one copy in the office of each such clerk within three days next succeeding the election. In case a majority of the votes cast at such election shall be in favor of calling in said bonds it shall be the duty of the town board to take immediately such measures as may be necessary to effect that result, and each municipality shall proceed to raise by tax upon the tax roll for the year next preceding the date of the proposed payment, its due proportion of the principal and interest so to be paid, or may at its option issue new bonds therefor in the manner provided by the general statutes. Special elections, how called.

SECTION 10. The said boards of review at their meeting to apportion the bonded indebtedness of said town of Geneva shall also assess the valuation of all property belonging to said town, and shall divide the same between said town and city in like proportion with the same indebtedness. Apportion bonded indebtedness.

SECTION 11. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, un- No general law shall modify.

less such purpose be expressly set forth in such law.

Public act.

SECTION 12. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect as hereinbefore provided.

Approved April 6, 1885.

[No. 634, A.] [Published April 13, 1885.]

CHAPTER 323.

AN ACT to amend chapter 79, of the laws of 1885, entitled, "an act to incorporate the city of Antigo" and to legalize the publication thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The publication of chapter 79, of the laws of 1885, at Antigo, Wisconsin, by the Weekly News Item and The Forward, two weekly newspapers published in said city of Antigo, or either of them, is hereby legalized and declared to be as valid in all respects and for all purposes as if the same were published as required by the provisions of said chapter 79.

Councilman shall not be eligible as school commissioner.

SECTION 2. Section 9, of chapter 15, of said chapter 79, is hereby amended so as to read as follows: Section 9. No member of the common council shall be eligible to the office of school commissioner during his term of office as member of the council, nor shall any school commissioner be eligible to the office of alderman during his term of office. No member of the council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

SECTION 3. This act shall take effect and be in force from and after its approval by the governor.

Approved April 7, 1885.

[No. 313, S.] [Published April 17, 1885.]

CHAPTER 326.

AN ACT to amend chapter 195, of the laws of 1885, entitled, An act to amend chapter 36, laws of 1882, entitled, "an act to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison, and the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Amend chapter 1, of section 10, of chapter 195, of the laws of 1885, entitled an act to amend chapter 36, laws of 1882, entitled an act to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof, amending section 17, of chapter 7, by striking out the word, "not" after the words, "real estate," so that said section when so amended, shall read as follows: Amended.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

SECTION 17. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks, sewers and gutters, and improvement of streets in front of the same, unless otherwise ordered by the common council.

SECTION 2. All acts or parts of acts inconsistent with or contravening any of the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1885.

[No. 467, A.] [Published April 16, 1885.]

CHAPTER 328.

AN ACT to amend chapter 16, of the private and local laws of 1872, being an act to incorporate the city of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section two, of chapter three, amended.

SECTION 1. Section 2, of chapter 3, of the act to incorporate the city of Eau Claire, as amended by section 7, chapter 106, laws of 1874, and section 4, chapter 10, laws 1877, is hereby amended by substituting the word, "three" for the word, "two" in line 12 of said section 4, chapter 10, laws 1877, by striking out the words, "and fifty cents" from line 13, of said last section, and by inserting after the word, "dollars" in line 15, the words, "and fifty cents;" said section 2, is further amended by adding thereto at the end of said section the following: "But he shall not have the right to vote upon any question before or under consideration by the common council;" so that said section when so amended shall read as follows: Section 2. The mayor shall have power to administer oaths and affirmations, take acknowledgments of deeds and other instruments, and perform marriage ceremonies. He shall appoint a chief of police, and may appoint such further number of policemen as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed three dollars per day, to be determined by the common council, and the said policemen shall be paid such salary not exceeding two dollars and fifty cents per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days or on other public or unusual occasions as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the

members of the common council. The common council may by ordinance prescribe the powers and duties of the police and other peace officers. The mayor shall communicate in writing to the common council once a year such information as he may deem necessary, and at all times give such information as the common council may require. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city perform their respective duties, but he shall not have the right to vote upon any question before or under the consideration by the common council.

Section four, of chapter four, amended.

SECTION 2. Section 4, of chapter 4, or said act, as amended by section 6, chapter 106, laws of 1874, and by section 6, chapter 10, of the laws of 1877, is hereby amended by substituting the word, "licenses" for the word, "resolutions" in the fifth line of said section when thus amended shall read as follows: Section 4. No appropriation shall be made nor shall any debt be created or liability incurred against the city except by a vote of a majority of all the members of the council and all laws, ordinances, rules and licenses shall be passed by an affirmative vote of a majority of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriations of money or whereby a debt shall be created against, or a liability incurred by the city, shall be approved by the mayor before the same be in force; provided, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city three-fourths of all the members of the council voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; provided, further, that whenever the mayor shall disapprove of any resolution, ordinance or measure requiring his approval, he shall within twenty days after the passage thereof by the council, file such

resolution, ordinance or measure together with his approval thereof and his reasons therefor in writing in the office of the city clerk, who shall lay the same before the council at its next stated meeting thereafter; and in case of the failure to file the same within the time aforesaid, such resolution, ordinance or measure shall be in force without his approval, and all ordinances shall be published in the public newspaper printed in the city of Eau Claire, which may have been selected by the common council to do the printing of the city, and shall be in force from and after their passage and publication; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, and filed in the office of the city clerk shall be *prima facie* eveidence of the passage and publication thereof.

Section 13, of chapter three, amended.

SECTION 3. Section 13, of chapter 3, of said act, is hereby amended by substituting the word, "four," for the word, "two" in line fourteen of said section, so that said section when so amended shall read as follows: Section 16. The assessors so elected shall assess all the taxable property of their said districts as required by law, and each shall complete and return his assessment roll to the common council on or before the first Monday in July in each year. During the last week of the month of June in each year the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make such alterations and amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of four hundred dollars each for the term for which they were elected. The said assessors, together with the mayor, or in his absence or disability the president, the city clerk and the city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.

SECTION 4. Section 14, of chapter 3, of said act is hereby amended by inserting after the word, "elect," in the third line of said section, "one city attorney, one firewarden," so that said section when so amended shall read as follows: Section 14. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one city attorney, one firewarden, one superintendent of streets, and a city surveyor, each one of whom shall hold his office until the next third Tuesday in April, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices. Section 14, of chapter three, amended.

SECTION 5. Subdivision 1, of section 3, of chapter 4, of said act, is hereby amended by inserting after the word, "performances," in the third line of said subdivision, the following words: "To license and regulate skating rinks;" so that said subdivision, when so amended, shall read as follows: Subdivision one, of section three, of chapter four, amended.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, to license and regulate skating rinks, billiard tables, bagatelle tables, pigeon-hole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

SECTION 6. Section 34, of chapter 16, of the act to incorporate the city of Eau Claire, is hereby repealed. Section 34, of chapter 16, amended.

Duties of fire-wardens.

SECTION 7. The fire-wardens of the city shall examine as to the construction and location of all chimneys, fire-places, hearths, stoves, stove-pipes, ovens, smoke-stacks, boilers and fire apparatus, used in and about any building, and shall have power to prevent the improper construction thereof, and may cause them to be removed and placed in a safe and secure position; they shall prevent the depositing or keeping of ashes, or any combustible material in any place except such as is safe; and they shall perform other and such further duties as may be ordered or prescribed by the common council.

Section one, of chapter ten, amended.

SECTION 8. Section 1, of said chapter 10, is hereby amended by adding at the end of said section 1, the following: And the common council of said city shall have power and may from time to time, by ordinance, create and establish such additional wards in said city as it may deem proper; and fix and establish the boundaries thereof, and for that purpose shall have power to reorganize said wards, and to create and organize new and additional wards therefrom, and alter and change the boundaries thereof to conform to the changes so made in the wards of said city. Each of the aldermen from any ward, the boundaries of which shall be so changed, shall continue to represent the ward of which he shall be found to be a resident after such change in boundary is made, and shall hold his office for the remainder of the term for which he was elected; and there shall be elected at the first charter election after such change of boundaries of said wards, and the creation of such new wards shall be so made by said common council, two aldermen, one of whom shall be elected for two years and one for one year, in each of the wards of said city for which there shall be no aldermen holding over, and one alderman for two years in each of the wards in which there shall be an alderman holding over. And in all such elections one of such aldermen from each ward shall be designated as supervisor, and shall represent his ward in the county board of supervisros. The common council of said city shall apportion the ward funds belonging to all the wards affected by any such change of boundaries upon the basis of the assessment for the pending year, and said common

council shall also, by resolution, appoint a polling place or places in each of the wards of said city affected by such change of boundaries, and make the same arrangements for holding elections in such wards at the next charter election as are now or may hereafter be made for holding elections in the other wards of said city.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature, in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

ERNEST G. TIMME,
Secretary of State.

April 7, 1885.

[No. 316, S.] [Published April 16, 1885.]

CHAPTER 358.

AN ACT to amend section 2, of chapter 1, of chapter 76, of the laws of 1885, entitled, "An act to incorporate the city of Alma.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two, of chapter one, of chapter seventy-six of the laws of 1885, entitled, "An act to incorporate the city of Alma, is hereby amended to read as follows: Section 2. All that district of country included in sections two, eleven, twelve, thirteen and fourteen, in township number twenty-one north, of range number thirteen west, and all that portion of section twenty-five lying north of Beef river, and section twenty-six, twenty-seven, twenty-eight, thirty four and thirty-five, in township twenty-two north, of range number thirteen west, in the county of Buffalo, shall comprise the territory and limits of the city of Alma. Section two, of chapter one, amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1885.

[No. 317, A.] [Published April 16, 1885.]

CHAPTER 359.

AN ACT to amend chapter 260, of the laws of 1877, entitled, "an act to revise, consolidate and amend the charter of the city of Stevens Point," approved May 17, 1858, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 3, of chapter 10, amended.

SECTION 1. Section 3, of chapter 10, of said act is hereby amended by striking out all that part of said section relating to juries, so that said section when so amended shall read as follows: Section 3. A printed copy of an ordinance, by-law or resolution passed by the common council and published in a newspaper or in a pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence in all cases cognizable before the justice of the peace. No jury shall be allowed either party.

Section 5, of chapter 10, amended.

SECTION 2. Section 5, chapter 10, is hereby amended so that said section, when so amended, shall read as follows: Section 5. In city prosecutions the finding of the court shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city; provided, if the court, upon the trial of the case, shall be satisfied that the complaint was willful and malicious, or without probable cause, the justice shall certify to that effect in his docket, and thereupon shall render judgment against the person making such complaint for all costs that may have accrued in the action. And in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any of the ordi-

nances of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution; and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the city jail of the city of Stevens Point, for such term as may be prescribed by this act or the ordinance violated, not exceeding six months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may in its discretion, in case of the nonpayment of such fine and costs as aforesaid enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Stevens Point, in the jail or yard of said jail or upon the public streets or elsewhere within said city, under the supervision of the chief of police, or such member of the police force as may be detailed by the chief of police for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at hard labor shall be allowed one dollar per day for each day's labor rendered exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody. Such execution may be in the following form:

County of Portage, }
City of Stevens Point, } ss.

Form of execution.

The state of Wisconsin, to the chief of police or any police officers of the city of Stevens Point, and to the keeper of the common jail of said city, greeting:

Whereas, the said city of Stevens Point, on the —— day of ——, 18—, recovered a judgment before the undersigned, —— —— in and for said city, against —— —— for the sum of —— dollars and —— cents fine, and for —— dollars and —— cents, costs of suit, for the violation of the —— section of an ordinance of said city entitled:

"An ordinance to —— —— —— ——."

You are hereby commanded to levy distress of the goods and chattels of the said —— ——, excepting such as the law exempts, and make sale

thereof according to law, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —— —— and him convey and deliver to the keeper of the common jail in said city. And the said keeper is hereby commanded to receive and keep in custody, in said jail, —— —— the said —— —— for the term of —— unless the said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of —— 18—.

—— ——.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

SECTION 3. Section 6, of chapter 10, is hereby amended so that said section when so amended shall read as follows: Section 6. In all cases where judgment is rendered against a defendant, for recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereinafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Portage; provided, such defendant shall within twenty-four hours enter into a recognizance with one or more sufficient sureties to be approved by such justice conditioned to appear before the said circuit court and abide the judgment of the court therein, and further that the said defendant will pay any and all judgment and cost that may be rendered by the appellate court against said defendant therein, and that defendant to be entitled to said appeal shall at the time of taking the same pay to the said justice his costs and the state tax. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return together with the proceedings and copies of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of the circuit court of said county.

SECTION 4. Section 3, of chapter 5, of said act,

is hereby amended by adding a new section thereto as follows, to wit: Subdivision 32d. To tax license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of intelligence offices, junk shops and places for the sale and purchase of second-hand goods, wares and merchandise, and roller skating and ice skating rinks; and to tax, license, regulate and restrain hawkers, peddlers and keepers or proprietors of gift book-stores, gift concerts and other gift enterprises; and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such license shall be granted, and to provide and enforce penalties or carrying on of either said trades, kinds of business or employments; and to regulate the manner in which they should be carried on or used; provided, that the provisions of this act shall not apply to dealers or venders in malt, spirituous, ardent or intoxicating liquors. Section 8, of chapter 5, amended.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 8, 1885.

]No. 606, A] [Published April 11, 1885.]

CHAPTER 360.

AN ACT to amend chapter 271, of the laws of Wisconsin for the year 1882, entitled, "An act to incorporate the city of Neillsville."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 1. All of section fourteen, all of section number fifteen, lying and being east of the center of Black river, all of section number ten, lying and being east of the center of Black river, and all of the south half of section number eleven, lying and being east of the center of Black river, all in township number twenty-four, range number two Section 1, chapter 2, amended.

west, shall be included within and constitute the territory comprising the city of Neillsville.

Section 2, of chapter 3, amended.

SECTION 2. Section 2, of chapter 3, of chapter 271, of the laws of 1882, as amended by section 1, of chapter 312, laws of 1883, is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, two justices of the peace and one police justice, and one supervisor to represent each ward on the county board, and to be a member thereof. At the first charter election after the passage of this act, two aldermen shall be elected for each ward, one to serve one year and one to serve two years, to be determined by the words, "for one year" after the name of one alderman voted for, and "for two years," after the name of the other alderman to be voted for; and thereafter at each annual election, one alderman from each ward shall be elected to serve for two years. Said aldermen and supervisors must reside in the ward they respectively represent. The mayor, treasurer, city clerk, assessor and supervisors shall hold their respective offices for one year and until their successors are duly elected and qualified; the justices of the peace and the police justice shall hold their respective offices two years and until their successors are duly elected and qualified; all other officers necessary for the proper management of the affairs of the city shall be elected by the common council. All officers appointed by the common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect Elective officers shall be removed for cause as provided by section 975, of the revised statutes of 1878.

Section 4, of chapter 3, amended.

SECTION 3. Section 4, of chapter 3, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 4. Any person entitled to vote for county and state officers and who shall have actually resided in the ward for which he offers to vote for thirty days next preceding the election at which he offers to vote, shall be entitled to vote for any officer to be elected, or on other questions or propositions that may be submitted to the people for their vote, except the aldermen and supervisors not residing in or to represent his ward.

SECTION 4. Section 2, of chapter 4, of chapter

271, of the laws of 1882, as amended by section 10, of chapter 312, of the laws of 1882, is hereby amended so as to read as follows: Section 2. The mayor and aldermen shall constitute the common council of said city, and the style of ordinance shall be: "The common council of the city of Neilsville do ordain." The common council shall meet and organize on or before the second Tuesday in May in each year, or as soon thereafter as may be. A majority of the common council shall constitute a quorum, and in the absence of the mayor may appoint one of the number acting mayor, who shall have the same authority and power as the mayor while so acting. The common council, in case of a vacancy, or the absence, inability to act or sickness of any officer, may appoint a suitable person to fill such vacancy or to act during the continuance of such absence, inability to act or sickness; provided, this shall not apply to the justice of the peace or police judge, but the charter relating to such officers shall govern. Section 2, of chapter 4, amended.

SECTION 5. Section 3, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 3. At the first meeting of the common council in each year, or as soon as may be thereafter, they shall appoint one street commissioner and one marshal for said city who shall hold his office during the pleasure of the common council and until his successor is appointed and qualified, and prescribe the compensation they are to receive for their services, and may provide further and other duties for such officers to perform in addition to the duties provided in the charter or amendments. Section 3, of chapter 4, amended.

SECTION 6. Section 10, of chapter 4, of chapter 271, laws of 1882, is hereby amended so as to read as follows: Section 10. Whenever any sidewalk in said city shall in the opinion of the common council require repairing or rebuilding or it is necessary to build a new one, the common council may, without a petition or request direct the street commissioner to notify the owners of such sidewalk, lot or tract of land to rebuild or build a new one, in cases where there has not been one previously built, within twenty days, or to repair the same within twenty-four hours, as the case may Section 10, of chapter 4, amended.

west, shall be included within and constitute the territory comprising the city of Neillsville.

Section 2, of chapter 3, amended.

SECTION 2. Section 2, of chapter 3, of chapter 271, of the laws of 1882, as amended by section 1, of chapter 312, laws of 1883, is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, two justices of the peace and one police justice, and one supervisor to represent each ward on the county board, and to be a member thereof. At the first charter election after the passage of this act, two aldermen shall be elected for each ward, one to serve one year and one to serve two years, to be determined by the words, "for one year" after the name of one alderman voted for, and "for two years," after the name of the other alderman to be voted for; and thereafter at each annual election, one alderman from each ward shall be elected to serve for two years. Said aldermen and supervisors must reside in the ward they respectively represent. The mayor, treasurer, city clerk, assessor and supervisors shall hold their respective offices for one year and until their successors are duly elected and qualified; the justices of the peace and the police justice shall hold their respective offices two years and until their successors are duly elected and qualified; all other officers necessary for the proper management of the affairs of the city shall be elected by the common council. All officers appointed by the common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect Elective officers shall be removed for cause as provided by section 975, of the revised statutes of 1878.

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be, which notice may be given and served as provided in case of petition for building sidewalks.

Section 11, chapter 4, amended.

SECTION 7. Section 11, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended so as to read as follows: Section 11. In case any such person, corporation or company or society of persons shall fail to build, rebuild or repair such sidewalk within the time required by such notice, the street commissioner shall have authority to build, rebuild or repair the said sidewalk, and to certify and return the expense and costs thereof to the city clerk, and all such costs and expenses shall become and they are hereby declared a special tax against the property bounded or abutted by the said sidewalk built, rebuilt or repaired, and be a lien thereon for such tax.

Section 12, chapter 4, amended.

SECTION 8. Section 12, of chapter 4, of chapter 271, of the laws of 1882 as amended by section 10, of chapter 312, laws of 1883, is hereby amended so as to read as follows: Section 12. On the return of the street commissioner, if it shall appear that he has built, rebuilt or repaired any sidewalk, and the persons liable thereof have not paid the expense or costs thereof, the same shall be paid out of the general fund of said city, and the city clerk in making out the general tax roll of the city next thereafter shall enter therein all such unpaid costs or expenses or special taxes for the building, rebuilding or repairing of sidewalks, in a separate column opposite the names and a description of the property against which such tax remains unpaid, together with interest thereon at the rate of ten per cent., and if from any cause whatever said taxes should not be entered in said tax roll, the same may be entered on any tax roll thereafter, and all such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected, and when collected shall be returned into the general fund.

Section 14, chapter 4, amended.

SECTION 9. Section 14, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 14. The common council of said city shall, on or before the first Monday in November, in each year, determine the amount of highway tax necessary to be collected for the ensuing year, and shall levy such tax on the taxable property of said city, which tax shall not be more than four mills on the dollar of the assessed

valuation of said city, and such tax shall be entered in the tax roll and collected as other taxes are collected, and when collected be paid into the general fund.

Section 15, chapter 4, amended.

SECTION 10. Section 15, of chapter 4, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 15. The city clerk shall, on or before the fifteenth day of May, in each year, make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, with the amount of poll tax, which shall be one dollar and fifty cents for each person, and set the same opposite to each person's name, in such list, and shall have the same published as made out by him, in the official city newspaper, if any; if not, then in any newspaper published in said city, together with a notice that said list will be submitted to the common council for correction, on the first Monday in June, at nine o'clock in the forenoon, and that if any person's name appears thereon who is not liable for such tax under the provisions of this section, he shall appear before the common council before ten o'clock in the forenoon of said day and have the same corrected, and if he fails to appear he shall be estopped from denying his liability to pay the tax for any cause whatever. When such list is correctly made out and on said first Monday of June in each year or as soon thereafter as may be, the common council shall, by order to be signed by the mayor or acting mayor and city clerk, and to be annexed to such list, direct the same to be delivered forthwith to the city treasurer for collection. The treasurer shall forthwith proceed to the collection of such list or tax, and shall demand the same once of each person named in the list, personally, or by notice, deposited postage prepaid in the post-office in said city, and if any person neglects to pay the same for ten days thereafter, then such treasurer shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same with costs of suit before the police judge or police court of Neillsville, and in default of payment of such judgment, execution shall issue against the defendant as in case of tort, and the first process in such action shall be by civil warrant. But the common council may exempt from the payment of such tax, all persons belong-

ing to any fire company, or any person who is poor and not able bodied, when they may deem it proper to do so; and no others shall be exempt therefrom and the treasurer, while said list is in his hands for collection, may put upon the list the names of all persons liable to such tax as may have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list, and when such tax is collected it shall be paid into the general fund.

Grading or repairing of streets and alleys.

SECTION 11. The common council may cause any street or alley, or any part of any street or alley to be graded, paved, macadamized or otherwise improved, or any gutter or sewer to be built or cause any gutter to be built on one side of a street or part thereof, or to rebuild, repair, repave, re-macadamize or regrade, or otherwise improve any street, alley, gutter or sewer. For the purpose of so improving any street, alley or building any gutter or sewer, or repairing the same or rebuilding or re-improving the same, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved or through which such sewer is built, or on the side thereof where only such gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement ordered opposite such property to the center of the street or alley or such proportion thereof not less than half, as they shall deem justly assessable to such property, if they think the whole ought not to be so assessed, in which case the remainder shall be paid from the city treasury. Every such tax for repair shall be for the entire costs of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the costs or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency, and the council may provide that such tax be paid in annual payments, to be entered in the tax roll each year in such amounts as they may order, and in such case or in case such tax is not collected or paid, the costs of such improvements shall be paid from the city treasury, and when such tax is collected or paid, it shall be returned to the general fund of said city.

SECTION 12. Whenever the common council shall levy any such tax as specified in the preceding section, and the same or part thereof is to be paid at once, the city clerk shall make out and deliver to the city treasurer a list of the persons and a description of the property taxed, together with a warrant for the collection thereof; thereupon the treasurer shall notify the persons named in such list by publishing the same two weeks in some newspaper in said city, and if such tax is not paid within sixty days thereafter he shall proceed to collect such tax as other taxes are collected, and on the first Monday in November thereafter, or as soon as may be thereafter, he shall return such list to the city clerk, and if it shall appear from such list returned that any part of such tax remains unpaid, and such list is returned before the completion of the tax roll of said city, the clerk shall add the said delinquent taxes to said tax roll opposite to the description of the proper lots, pieces or parcels of land therein, and said delinquent taxes shall be collected with and in the same manner as the general taxes. Taxes levied to be paid at once.

SECTION 13. The common council whenever they deem it necessary to take private property (which they are hereby authorized to do) to change, widen, extend, lay out and open any street, lane, alley, public grounds, square or other places, or for the purpose of building school-houses within the city limits or to construct and open, alter, enlarge or extend or build drains, canals, sewers or water-works, reservoirs or for building dams or reservoirs on O'Neill creek for water or other purposes or for laying pipes to conduct water to or from any reservoirs or dams or for the purpose of building engine houses for water-works, dams or reservoirs within or without or partly within or without the city limits, and the common council and the owner cannot agree upon the price or damages that the owner or any person interested therein would sustain by reason of the taking therefor or the necessity of taking the same, shall by resolution declare their purpose to take the same and therein describe by metes and bounds the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned Proceedings to be had in case the city needs reservoirs.

by a distinct owner, mentioning the names of the owners or occupants, so far as known to them, and therein fix a day, hour and place when and where they will apply to the police justice or county judge for a jury to condemn and appraise the same. All other proceedings shall be conducted under the provisions of sections 896, 897, 898, 899, 900, 901 and 902, of the Revised Statutes of 1878, and the same shall apply to the city of Neillsville so far as applicable.

Tax to be levied.

SECTION 14. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property and of making any improvement mentioned in the last preceding section, the common council may, by resolution, levy and assess the whole or any part not less than half of such expense, as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk, shall be published once in each week for two weeks in the official city newspaper, and a notice therewith that at a certain time therein stated the common council will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed the common council shall meet and hear all such objections, and for that purpose may adjourn from time to time, not more than three days at a time, and may by resolution modify such assessment in whole or in part, at any time before the first day of November thereafter, any person liable may pay any such tax to the city treasurer; and if such tax is not paid prior to the making up of the tax roll for said city, the city clerk shall put the same with five per centum thereon additional, upon the tax roll in addition to all other taxes therein levied on such land, which shall be collected as other taxes are collected.

Incumbering of sidewalks, etc.

SECTION 15. No street, alley, lane, sidewalk or public grounds shall be incumbered or encroached upon or obstructed in any manner or with anything whatever by any person or persons not authorized by the common council, and any author-

ty given may be revoked at any time, and any encroachment or incumbrance or obstruction may be removed at any time as may be provided by ordinance; the costs and expenses of removing shall be a lien upon the property moved, and the property moved may be sold, if salable, and if the proceeds are insufficient to pay such costs and expenses and costs of sale, the residue may be collected from the owner or person having charge of such property or both.

Ordinance to be valid, even if not recorded.

SECTION 16. No ordinance heretofore passed or adopted by the common council of said city and published as such by authority of said council, shall be held invalid in any court or place on the ground that the same was not recorded or the passage thereof noted in the minutes by the city clerk and the acts of the said council in passing ordinance No. 29, approved January 7, 1884, is hereby legalized and confirmed in all respects.

Section 12 amended.

SECTION 17. Section 12, of chapter 312, of the laws of 1883, is amended so as to read as follows: The common council shall annually provide that all printing, publishing of ordinances, notices, etc., blanks and other printing authorized or required by it to be done for its use, or the use of the city, or the use of city officers, shall be let by contract to the lowest bidder for the term of one year from the date of letting the contract. The bid for publishing ordinances, notices, etc., in a newspaper shall be a separate bid from blanks or other printing, and shall not be considered unless made by the publisher of some newspaper published in the city of Neillsville, unless the bid of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publisher shall fail to bid. All proceedings required by this act or by-laws or laws of the state, or ordinances of the common council to be published, shall be published in the newspaper so selected, and the printer of said newspaper shall either in person or by his foreman, file with the clerk of the city his or their affidavit of the length of time said ordinance, by-law or other proceeding or notice has been published, and shall not be paid until such affidavit, with a copy of the article published, is so filed, and such affidavit shall be *prima facie* evidence of the publication thereof. Any person or persons may bid on the other work, and the

common council may reject any bid or bids made, and all bids shall include material and work.

Subdivision 13, of section 4, amended.

SECTION 18. Subdivision 13, of section 4, of chapter 4, of chapter 271, laws of 1882, as amended by section 10, of chapter 312, laws of 1883, is hereby amended so as to read as follows:

13th. To restrain and prohibit drunkenness, immoderate drinking, the selling or giving to, taking with or procuring for minors, prohibited persons, drunkards or intoxicated persons, or persons bordering thereon, intoxicating liquors or drinks; the use of profane, obscene, indecent, vulgar or abusive language; the keeping of houses of ill-fame, gambling houses, disorderly saloons, groceries or houses, affrays, riots, fights, assaults, noises, disturbances, unlawful assemblages, disorderly crowds, assemblages, and conduct; the abuse of, resistance to, or interference with the peace officers; the use of or carrying of concealed or dangerous weapons; obscenity, nuisances, vagrancy, lewdness, prostitution and fortune telling in said city; the soliciting for or enticing others to visit or frequent houses of ill-fame, gambling or disorderly houses, and to provide for arresting, removing, detaining, imprisoning and punishing any person or persons who may be guilty of the same, by fine or imprisonment or both.

Committing to jail.

SECTION 19. The sheriff or keeper of the common jail of Clark county shall receive and commit to said jail any person committed for violation of the charter or any ordinance of said city or contempt of any court, at the expense of said county; and said sheriff and keeper shall obey the commands of the commitment, execution or order made by any court in relation thereto, unless discharged by due course of law.

Removal of fences, etc.

SECTION 20. The common council may provide at what time and in what manner fences, buildings or any other structure whatever shall be removed from any street, alley, lane or public ground hereafter laid out, or ordered opened, or which have heretofore been built upon or in the same, and they may cause the same to be removed at the expense of the owner at any time.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1885.

[No. 349, A.] [Published April 20, 1885.]

CHAPTER 373.

AN ACT relating to and amendatory of chapter 247, of the laws of Wisconsin for the year 1878, relating to the charter of the city of Fort Atkinson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 30, of section 5, of chapter 7, of chapter 247, of the laws of Wisconsin for the year 1878, entitled, "An act to incorporate the city of Fort Atkinson," is hereby amended so as to read as follows: To license, regulate, restrain or suppress hawkers, peddlers, auctioners, so called "cheap Johns" transient dealers and persons who travel from place to place to sell goods, wares, or merchandise, and sales by hawkers, peddlars, auctioneers, so-called "cheap Johns" and transient dealers and persons who travel from place to place to sell goods, wares or merchandise within the limits of said city; and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called "cheap John," transient dealer, or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and green-house products, without having first obtained a license therefor, according to this act, the laws of the state, and the ordinances of said city, and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who

Subdivision 30 section 5, amended.

deal solely with merchants and tradesmen by wholesale, shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Amended.

SECTION 2. Sections 1, 2 and 3, of chapter 12, of chapter 247, of the laws of Wisconsin for the year 1878, entitled, "An act to incorporate the city of Fort Atkinson," is hereby amended, so as to read as follows: Section 1. Sidewalks may be constructed upon the application of taxpayers, as follows: Whenever ten or more taxpayers residing in said city, shall make and deliver to the city clerk a petition in writing, setting forth the street and the abutting lots and blocks along which they desire to have a sidewalk constructed, it shall be the duty of said clerk to file said petition in the city clerk's office, and lay it before the common council at its first meeting thereafter. Section 2. Whenever a petition shall have been filed and laid before the common council as specified in the preceding section, it shall be the duty of the common council to examine into the matters set forth in such petition, and if, in the opinion of the common council the sidewalks prescribed in the petition would be of general advantage, the common council shall pass a resolution ordering the construction thereof, and prescribing the material, width, length and locality where such sidewalk shall be constructed. Section 3. Whenever it shall be necessary, in the opinion of the common council, to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed, and the costs of constructing, repairing, and reconstructing sidewalks, provided for herein, shall be paid out of any funds in the city treasury not otherwise appropriated.

Petitions to be examined into.

Section 10, chapter 10, amended.

SECTION 3. Section 10, of chapter 10, of chapter 247, of the laws of 1878, entitled, "An act to incorporate the city of Fort Atkinson," is hereby amended so as to read as follows: Section 10. The common council of said city shall, on or before the first Monday of November in each year, by resolution, to be entered on the records, determine the amount of corporation tax for all purposes to be levied and assessed on the taxable property within the corporation limits of said city

for that year; provided, however, that the total amount of such tax shall not in any one year exceed four mills on the dollar of the assessed valuation of the taxable property in said city as it appears upon the assessment roll for that year, unless a greater sum shall have been authorized to be raised by a vote in favor of such greater sum, of a majority of the qualified electors of said city had and taken in the manner provided in section 4, of chapter 9, of this act. The clerk of said city shall, on or before the third Monday of the said month of November in each year, deliver to the town clerk of the town in which said city is situated, a certified copy, under his signature, of all resolutions of said common council determining the amount of taxes, general and special, to be levied and assessed in said city for that year, together with a description of the territory included within the corporate limits of said city.

Repealed.

SECTION 4. Sections 4, 5, 6, 7, 8, 9, 10 and 11, of chapter 12, of chapter 247, of the laws of Wisconsin, for the year 1878, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 9, 1885.

[No. 325, A.] [Published April 14, 1885.]

CHAPTER 378.

AN ACT in relation to the police force and fire department of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of fire and police commissioners.

SECTION 1 There shall be in the city of Milwaukee, a board of fire and police commissioners, consisting of four citizens, not more than two of whom shall belong to the same political party, when appointed. No salary or other compensation for services shall be paid to any member of such board. Three members of the board shall constitute a quorum necessary for the transaction of business. It shall be the duty of the mayor of said city, before the first Monday of July, 1885, to

appoint four members of said board, designating the term of office of each, one to hold one year, one to hold two years, one to hold three years and one to hold four years from the first Monday of July, 1885, and all until their respective successors shall be appointed and qualified. After the present year it shall be the duty of the mayor, each year before the first Monday in July to appoint one member of said board, whose term of office shall be four years from the first Monday in July in that year, and until his successor is appointed and qualified. Every person appointed a member of said board shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of the state, and file the same duly certified by the officer administering it, with the clerk of the city.

No appointments to be made except with approval of board.

SECTION 2. After the first Monday in July, 1885, no person shall be appointed to any position, either on the police force or in the fire department of said city, except with the approval of said board.

Adoption of rules and regulations.

SECTION 3. As soon as possible after the first members of said board shall enter upon their offices, said board shall prepare and adopt such rules and regulations to govern the selection and appointment of persons to be thereafter employed on either the police force or the fire department of said city, as in the judgment of said board shall be adapted to secure the best service for the public in each department. Such rules and regulations shall provide for ascertaining, as far as possible, the physical qualifications, the habits and the reputation, and standing and experience of all applicants for positions, and they may provide for the competitive examination of some or all in such subjects as shall be deemed proper for the purpose of best determining their qualifications for the positions sought. Such rules and regulations may provide for the classification of positions in the service and for a special course of inquiry and examination for candidates for each class. All rules and regulations adopted shall be subject to modification or repeal by the board at any time.

Examinations to be free to all citizens of the U. S.

SECTION 4. The board shall cause the rules and regulations so prepared and adopted and all changes therein, to be printed and distributed as

hey shall deem necessary and the expense there-
f shall be certified by the board to the city comp-
roller and shall be paid by the city. Such rules
nd regulations shall specify the date when they
rill take effect, and thereafter all selections of
ersons for employment, or appointment or promo-
ion, either in the police force or the fire department
f said city, except of the chief and first lieuten-
nt of the police and the chief engineer and first
ssistant of the fire department, shall be made in
ccordance with such rules and regulations.

Examinations shall be public

SECTION 5. The examinations which the rules
nd regulations shall provide for shall be public
nd free to all citizens of the United States with
roper limitations as to residence, age, health,
abits and moral character. The examinations
hall be practical in their character and shall re-
ate to those matters which will fairly test the
elative capacity of the candidates to discharge
he duties of the positions in which they seek em-
loyment or to which they seek to be appointed,
nd may include tests of manual skill and physi-
al strength. The board shall control all exam-
nations and may designate suitable persons,
ither in the official service of the city or not, to
onduct such examinations, or any of them, and
nay change such examiners at any time, as shall
eem best.

In case of vacancy how filled.

SECTION 6. Whenever, after the first Monday
n July, 1885, a vacancy shall exist in the office of
hief police or in the office of chief engineer of
he fire department it shall be the duty of said
oard to appoint proper persons to fill such offices
espectfully during good behavior subject to sus-
ension and removal as hereinafter provided.

Vacancy in office of lieutenant of police.

SECTION 7. Whenever, after the first Monday
n July, 1885, a vacancy shall exist in the office of
irst lieutenant of the police, the chief of the
olice shall nominate and with the approval of
aid board, shall appoint a suitable person to such
ffice, to hold during good behavior, subject to
suspension and removal as hereinafter provided.

First assistan engineer.

SECTION 8. Whenever, after the first Monday
in July, 1885, a vacancy shall exist in the office
of first assistant engineer of the fire department,
the chief engineer shall nominate and with the
approval of the board shall appoint a suitable
person to that office, to hold during good behavior

subject to suspension and removal as hereinafter provided.

All other members of the force shall hold at pleasure of chief.

SECTION 9. All other members of the force in either department named, at the time when the rules and regulations shall go into effect shall continue to hold their respective positions and employments at the pleasure of their respective chiefs, and all persons subsequently appointed shall so hold. All vacancies in either department shall be filled and all new appointments shall be made by the respective chiefs with the approval of the board. Where vacancies in old offices or newly created offices can, with safety to the department, be filled by the promotion of officers or men already in the service and who have proved their fitness for the promotion, the vacancies and newly created officers shall be so filled by promotion by the respective chiefs with the approval of the board.

Salaries to be according to length of service.

SECTION 10. Provision may be made by the common council of said city by general ordinance that the salaries of officers and men in the police and fire departments of the city shall increase with the length of term of service. The salary and compensation of all officers and men in said departments shall be at all times subject to change by the common council, provided that the salary or compensation of no officer or man in the service of either department shall be decreased, except upon the previous recommendation of such change made in writing by the board to the common council. The common council shall have the power to provide for an annual pension for life for such members of either service as shall be honorably discharged from the same.

Suspension from office.

SECTION 11. The chief of police, the first lieutenant of police, the chief engineer of the fire department, and the first assistant engineer of the fire department, each and all of them, shall be subject to a suspension from office for cause by the mayor at any time. Any officer so suspended shall thereupon cease to exercise the functions of his office until he shall be reinstated. In case of such suspension, the mayor shall, at once, communicate to said board the charge or charges against the officer suspended, and the board shall at once consider and examine the same, giving the suspended officer opportunity to meet the

charges and to be heard in his own defense. After hearing the matter, the board shall determine whether the charges are sustained. If the charges shall not be sustained by the board the officer shall be immediately reinstated. If the board shall determine that the charges are sustained, they shall at once determine whether the good of the service requires that the suspended officer shall be removed from office, or shall be suspended from office without pay for a fixed period. The board shall communicate their decision to the mayor in writing. The mayor shall make it public, and the decision shall be final and conclusive in all cases.

When it is duty of board to remove from office.

SECTION 12. The board shall have the power and it shall be the duty of the board when all the four members thereof concur in the opinion that the good of the service, in either of the departments aforesaid, will be subserved by the removal from office of any of the officers named in section 11, to remove such officer. In such cases the removal shall be made by a notice to the officer, signed by all the members of the board, and it shall not be necessary to state any cause for such removal.

Power of appointment.

SECTION 13. The board shall have the power to appoint an officer to be called a chief examiner. The board shall prescribe his duties and his compensation, which shall be paid by the city on the certificate of the board. He shall be subject to removal at any time by the board, and they shall have power to change his duties and his compensation at any time, as they may deem proper. The board shall have power to fix and alter at will a compensation for any other examiners appointed by the board, and such compensation shall be paid by the city on certificate of the board.

Charter amended.

SECTION 14. This act is to be taken as an amendment to the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the various laws amendatory thereof, and any parts or portions of said chapter, and any provisions therein which are inconsistent with this act, or not in harmony with its provisions, are declared to be modified, amended, superseded or repealed by this act, as the intention herein declared may require.

bond in the penal sum of five thousand dollars, with at least two surities, to be approved by the mayor, for the faithful performance of his official duties, and shall receive such annual salary as the common council may prescribe. Said tax commissioner shall have an office, which shall be kept open during the usual business hours of each business day during the term of his office; and shall, in suitable books, provided for the purpose, keep a record of all lots, blocks, fractional lots or parcels of land contained in said city, with the assessed value of each in separate columns, together with the assessed value of the improvements thereon, and the name of the owner of each, and the street and number of his residence, as far as possible, during each and every year of the term of his office; and shall also keep a record of the names of all persons liable to assessment for personal property during each year of the term of his office, with the amount assessed to each person; and as far as possible shall cause to be entered upon said record in a suitable column, opposite the name of such persons so assessed, an accurate description of the class of such personal property, whether bonds, stocks, mortgages or money, notes, accounts, chosen in action of any kind, or merchandise, manufacturer's stock, capital invested in business, household goods, vessels, pianos, horses and carriages, sewing machines, watches, etc., and any and all other personal property taxable under the laws of Wisconsin. He shall also keep a record of all the vessels registered in the books of the custom house at the port of La Crosse, with the names of the owners residing in La Crosse, and the amount of the interest held by each of said owners, together with all other information in relation thereto which may be serviceable in making an assessment of the vessel property owned in whole or in part by any resident of the city of La Crosse.

Recorded plats to be kept in tax commissioner office.

SECTION 3. Said tax commissioner shall also procure and keep on file in his office all recorded plats of all lots, blocks, additions, divisions and subdivisions of lots or lands which have been duly authorized by the common council, and all other matters or information which may be available in making an assessment of the real and personal property in the said city of La Crosse. He

shall also cause to be copied in a book provided for that purpose, all complaints made in writing at any time in said office of the said tax commissioner, of excessive or erroneous assessments, either of real or personal estate, which said complaint shall be considered and disposed of by the board of assessors at their first meeting thereafter, in the order of their entry, unless otherwise ordered by said board, and shall perform such other duties as the common council may by ordinance prescribe.

Shall elect two assessors.

SECTION 4. The common council shall at the first meeting in April in every year, or as soon thereafter as may be, elect two assessors for the said city, who shall be residents and freeholders of the city when elected and during their term of office. Said assessors shall each take the oath of office provided by law to be taken and subscribed town assessors; and said assessors, with said tax commissioner, shall constitute the board of assessors, of which board said tax commissioner shall be, *ex officio*, the president. The common council of the said city shall have power to remove from office any assessor in the said city who shall, in their opinion, be incompetent, or neglect to perform the duties of his office. The common council shall have power to fill the vacancy or vacancies caused by such removal or occurring in any manner, and the election to fill such vacancies shall be made in all respects in the same manner as herein provided for original elections to said office, and the assessor so elected to fill vacancies shall hold their office for the unexpired term. Said assessors shall, as soon after their election as practicable, under the direction of said tax commissioner, proceed to examine and determine the valuation of all taxable real and personal estate within the city; and schedules or rolls of all the taxable real estate in said city, and also a list of the names of all persons assessed for personal property in said city, shall be furnished by the said tax commissioner to the said assessors to aid them in the performance of their duties, and upon which they shall enter their valuations; and said assessment rolls shall be fully completed, and filed in the office of the said tax commissioner within the time provided by law for the completion of the same. The said assessors, in the listing, assess-

ment, and valuation of real and personal property liable to taxation in the city, and in the review, equalization and correction of their assessments, shall proceed in the manner prescribed by the general laws of this state, except as otherwise provided for in this act. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may if they deem it advisable, assess any lot or tract of land in such parcels or such subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land.

To give notice on receipt of the roll.

Section 5. On receipt of the rolls of the several assessors, with their valuations and assessments of real and personal property, the tax commissioner shall give notice by publication in the official paper of said city for ten days that on a certain day therein named, the assessment roll will be open for examination by the taxable inhabitants thereof, and the tax commissioner and assessors shall make all necessary additions to such roll, and correct the same by changes in valuation or description, so as to make the roll as perfect as possible. Any act done by a majority of the board of assessors, shall have the same force and effect as if done by the tax commissioner and all the assessors appointed under this act. After the corrections are made, the tax commissioner shall submit the corrected assessment rolls to the board of review.

What constitutes the board of review.

Section 6. The mayor, city clerk, city attorney, tax commissioner and assessors shall constitute the board of review for said city. Said board shall meet annually at the time fixed by the laws of the state, and proceed, as such board, to review, examine, and correct such assessment rolls, and in so doing shall have and exercise all the powers and perform all the duties of a board of review, as the same are or may be prescribed by the general laws of this state, except as may be otherwise provided in this act. Notice of the time and place of the meeting of such board of review, signed by the city clerk, shall be published for ten days in the official paper of the city, prior to the day of such meeting. The concurrence of a majority of the board shall be sufficient to decide any question to be passed upon by the board of review.

Section 4. And said chapter 7, is further amended by prefixing to section 28, thereof the following words, to-wit: "If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess the lot or tract so omitted, for such years in which it shall have been so omitted, at the just value thereof, noting the years when such omission occurred, and such assessment shall have the same force and effect as it would have had if made in the years when the same was omitted. And the common council shall, in addition to the taxes for the current year levy such taxes upon such lot or tract as the same would have been chargeable with had not the same been omitted, and such taxes shall be collected as other taxes or assessments are for the current year. All land shall be subject to taxes that may have been omitted, in whatsoever hands they may have come. So that the whole section, when amended, shall read as follows: Section 28. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess the lot or tract so omitted, for such year or years in which it shall be so omitted, at the just value thereof, noting the years when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted; and the common conncil shall, in addition to the taxes for the current year, levy such taxes upon such lot or tract as the same would have been chargeable with had not the same been so omitted and such taxes shall be collected as other taxes or assessments are for the current year. Should the tax or assessment of any parcel of land be set aside or declared void by reason of defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be re-levied in such manner as they shall by resolution direct; provided, that if the

Chapter 7 further amended.

defect was in the assessment the same shall again be assessed at such time as the common council may direct, and the said tax or assessment, so reassessed or re-levied shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act."

Subdivision 1, of chapter 4, amended.

SECTION 5. Subdivision 1, of chapter 4, of the said charter, is hereby amended by inserting after the words, "to license and regulate," at the beginning of such section, the words, "roller skating rinks and roller coasting rinks and establishments where roller coasting apparatus is set up and operated."

Subdivision 9, of chapter 4, amended.

SECTION 6. Subdivision 9, of said chapter 4, is amended by adding thereto the following, viz.: "To provide for licensing the keeping of dogs in said city at a rate not less than one dollar and not more than two dollars for each dog. And to provide for a badge or a token to be carried by each licensed dog and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed, wherever the same may be found within the city, and to punish persons keeping unlicensed dogs."

Subdivision 11, of said chapter amended.

SECTION 7. Subdivision 11, is hereby amended by adding thereto the following: "To license and tax each and every street railway car used and propelled by animal or by other power within the city, such license or tax to be not less than five nor greater than twenty-five dollars per year for each such car. And to provide for the proper numbering and designating licensed cars and for the punishment of any person or corporation using or operating unlicensed cars. Also to regulate and license omnibuses and omnibus charges or fares in the city; and to compel railroad companies to construct and keep in repair, suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings in said city as said common council may designate; to regulate and restrain the speed of cars in passing over said streets, and to prevent the obstruction of streets and alleys by the cars of said companies.

Subdivision 28 amended.

SECTION 8. Subdivision 28, of said chapter 4, is hereby amended by adding thereto the following:

To direct and regulate the planting and preservation of ornamental trees in the streets, alleys and public grounds of the city, and to appoint an officer whose duty it shall be to inspect all trees offered for sale for the purpose named, or to set out along or in any such alleys, streets or public grounds; to superintend the planting and culture of the same, and to perform such other duties in relation thereto as the common council may prescribe. Subdivision 19, of section 3, of chapter 4, is hereby amended by adding thereto the following words: To compel the payment of such license as the common council may fix by ordinance, resolution or otherwise, by all transient dealers in goods, wares and merchandise, occupying stores or buildings in the city and engaged in the sale of such goods at auction or otherwise. All merchants or dealers in goods or merchandise whose stock of goods has not been assessed and taxed within the city for the fiscal year during and part of which they shall be engaged in business, shall be deemed transient dealers for the purposes of this subdivision.

Chapter 5 amended.

SECTION 9. Chapter 5, of the said charter entitled, "of the opening of streets" is hereby amended by adding thereto another section to be numbered section 33, and which shall be in the words following, viz.: "Whenever, in any proceeding which shall have been or may hereafter be instituted under this chapter, it shall be deemed advisable to abandon or discontinue any portion of the work or improvements mentioned in the petition or resolution provided for in sections 1 and 2, of said chapter, such portion or portions thereof may be omitted, abandoned or discontinued by the city attorney with the approval of the common council without prejudice to the remainder of the work embraced in such proceeding or proceedings." And for the purpose of acquiring title to any tract or tracts of real estate for either or any of the purposes mentioned in said chapter 5, whenever it shall appear that any desired title or right of way can be more advantageously secured by private purchase or contract made directly with the owners than through the proceedings provided in said chapter, the mayor, city clerk and city attorney, with the concurrence and approval of the common council shall have, and are

hereby given, authority, to contract for and purchase, in the name of the city, any such desired title or premises or right of way, and take conveyances thereof to the city and to bind the city in any such conveyances by any conditions or limitations as to exempting any owner or owners from present or future liability, or adjoining property from charge or expense or special assessment for making the improvement for which such title or right of way may be desired as shall be deemed by the said officers and common council to be for the interest of the city; provided, that this act shall apply to all proceedings now pending or hereafter instituted under the said charter 5, as well as purchases that may be made without the institution of such proceedings.

Section 3 amended.

SECTION 10. Section 3, of chapter 4, is hereby amended by adding thereto a new subdivision numbered 42, and shall be in the following words: The common council shall have power, by the affirmative vote of two-thirds of its members, for due cause, to remove from office any officer or agent of the city, whether elected by the people or council or appointed by the mayor, due notice being first given to the officer or agent complained of, to appear and show cause before the common council why he should not be removed. The common council shall have power to compel any and all person or persons to appear before it and to testify on any hearing or proceeding instituted to remove from office any officer or agent under the city government for any violation of duty or violation of any of the provisions of the charter of said city or of any ordinance, rule, regulation or by-law of the common council of said city, either of omission or commission, and such violation shall be cause for removal, and for that purpose said council may make its order commanding the person or persons therein named to appear before it and testify, which order shall be certified by the clerk of said city, under the corporate seal thereof, and personally served on the person or persons therein named by delivering to each a true copy thereof. And for the purpose of compelling such appearance before it, and the giving of the testimony on such hearing or proceeding, the said common council are hereby vested with the same power and authority possessed

by any court of record in this state, and any violation, or disobedience of such order shall subject the person violating or disobeying the same to the same penalty attached by the laws of the state to the violation of and disobedience to the commands and requirements of a supœna issued out of the court of record in this state.

Section 9, of chapter 3, amended.

SECTION 11. Section 9, of chapter 3, of the said charter as amended by chapter 173, of the laws of 1882, is hereby amended by inserting therein after the word, "printing," in the second line of said section, the words, "except job printing," and by inserting after the word, "bid," in the fifth line of said section, the words, "except for the job printing," and by adding to the end of said section 9, the following, viz: The common council shall at its first annual meeting in April in each year or as soon thereafter as practicable, cause the city clerk to advertise for sealed proposals for doing the job printing of said city, for the year then next ensuing. Bids to state the price for thousand "ems" for composition, the price per pound for paper, and the price per token for press work. Such bids shall be marked, "proposals for doing job printing," addressed to the city clerk of the city of La Crosse; shall be opened on the day advertised by the committee on printing of the common council and the contract awarded to the lowest responsible bidder, subject to the approval of the common council; provided, always, that such lowest bidder shall enter into a written contract for doing such job printing with such bond and sureties for the faithful performance of such contract as the common council may require.

Section 2, chapter 8, amended.

SECTION 12. Section 2, of chapter 8, of the said charter is hereby amended by inserting therein after the word, "appointment," in the fourth line of such section, the following words, to wit: And until his successor shall be in the same manner appointed.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved April 10, 1885.

[No. 312, S.] [Published April 20, 1885.]

CHAPTER 391.

AN ACT to amend the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section one, of chapter sixteen amended.

SECTION 1. Section 1, of chapter 16, of the charter of Milwaukee, being chapter 184, af the laws of 1874, and the several acts amendatory thereof, is hereby amended by striking out the words, "to the deputy comptroller twelve hundred dollars," where the same occur in the eighth line of said section 1, and inserting in lieu thereof the following words, "to the deputy comptroller eighteen hundred dollars."

Section two, of chapter 18, amended.

SECTION 2. Section 2, of chapter 18, of the said charter of the city of Milwaukee, as amended by section 46, of chapter 144, of the laws of 1875, is hereby amended so as to read as follows: Section 2. The mayor shall appoint and submit to the common council at its first regular meeting in December of every third year for its confirmation, a tax commissioner, whose term of office shall commence on the first day of January ensuing such meeting and who shall at the time of his appointment, be a resident freeholder in said city of Milwaukee. Such commissioner shall take and subscribe an oath of office and shall execute and deliver to the city of Milwaukee a bond in the penal sum of five thousand dollars with, at least, two sureties for the faithful performance of his official duties, which bond shall be approved by the comptroller as to its sufficiency, and by the city attorney as to its form and execution. The present tax commissioner shall remain in office until the expiration of three years from the first Monday of December, 1884. The said tax commissioner may appoint a deputy tax commissioner who is hereby authorized to do all acts required by law of the tax commissioner, but said tax commissioner shall be responsible to the city and to any person interested for all acts of his said deputy

The said tax commissioner shall receive in addition to his salary now fixed by law in full payment of his deputy and all clerk hire in his said office the sum of twenty-two hundred dollars per annum.

Section six amended.

SECTION 3. Section 6, of chapter 18, of the said charter of the city of Milwaukee, is hereby amended so as to read as follows: Section 6. The mayor, with the concurrence of the common council, shall, on the first Monday of January in every second year, appoint an assessor for each ward in said city of Milwaukee, whose term of office shall commence on the first day of February following, who shall have been recommended to him by the tax commissioner, and who shall be a resident of the ward for which he is appointed, at the time of his appointment, and who shall continue to reside in such ward during the term for which said appointment is made. Said assessors shall each take the oath of office provided by law to be taken and subscribed by ward or town assessors; and said ward assessors, with said tax commissioner, shall constitute the board of assessors, of which board said tax commissioner shall be *ex officio* the president. The present assessors shall remain in office until the first day of February, 1887, unless sooner removed according to law.

Repealed.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

When compensation shall be fixed.

SECTION 5. This act shall take effect and be in force, and the compensation of said deputy comptroller as fixed in this act shall commence, from and after the passage and publication of this act, and the compensation of said tax commissioner, in addition to his salary, as fixed in this act, shall commence from the time of his filing with the city clerk his appointment of a deputy tax commissioner.

Approved April 10, 1885.

[No. 387, A.] [Published April 14, 1885.]

CHAPTER 405.

AN ACT relating to the fire department of the city of Milwaukee, and to amend chapter fourteen of the charter of the city of Milwaukee, being chapter 184 of the laws 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 4, of subchapter 14, amended.

SECTION 1. Section 4, of subchapter 14, of said chapter 184, of the laws of 1874, is further amended so as to read as follows: Section 4. The city of Milweukee is hereby authorized and empowered, to purchase for the use of said city, steam fire-engines and all necessary hose and apparatus for running and conducting the same in said city, and to employ engineers, and all other necessary help, to run and conduct said steam fire-engines, at stated salaries or monthly wages; provided, that there shall be employed not to exceed ten persons to care for, run and conduct each steam fire-engine, and the hose cart therewith, and that the number of persons employed as hook and ladder men shall number not to exceed eight persons for each company. The salary of the foreman of each fire company, of said city, shall be twelve hundred dollars per annum; of the first pipeman nine hundred dollars per annum; of each stoker eight hundred dollars per annum, for the first year of his service in the department, and nine hundred dollars per annum thereafter; of each pipeman seven hundred dollars per annum, for the first year of his service in the department, eight hundred dollars per annum for the second year, and nine hundred dollars per annum thereafter; of drivers, seven hundred dollars per annum for the first year of his service in the department, and eight hundred dollars per annum thereafter.

Repealing section.

SECTION 2. All parts of the charter of the city of Milwaukee conflicting with any of the provisions of this act are hereby repealed; provided, that nothing contained in this act shall in any

manner modify, amend, supercede or repeal any of the provisions of chapter 378, of the laws of A. D. 1885.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.

[No. 335, A.] [Published April 20, 1885.]

CHAPTER 427.

AN ACT to amend chapter 89, of the laws of 1877, entitled, "an act to incorporate the city of Chilton."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of chapter 7, of said chapter 89 of the laws of 1877, is hereby amended by striking out after the word, "mayor" in the first line of said section, the word, "treasurer" and inserting in lieu thereof the words, "senior alderman of each ward," so that said section when so amended shall read as follows: Section 3. The mayor, senior alderman of each ward, assessor and city clerk shall constitute the board of assessment, and the mayor shall be chairman, and the city clerk, the clerk thereof, and, on or before the first day of July of each year, the said assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same; and also of all persons or bodies corporate liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body corporate shall be affixed the value of personal property of each. When there are buildings upon any lot or tract of land the value of the same shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be

Section 3, of chapter 7, amended.

necessary to enter the name of the owner when known, opposite to any tract, lot or parcel of land. The assessment shall be certified to by the chairman or majority of the assessment board, and such certificate shall be conclusive evidence of the organization of the assessment board.

Section 12, of chapter 7, amended.

SECTION 2. Section 12, of chapter 7, of the laws of 1877, is hereby amended by striking out the word, "two," where it occurs in the eighth line of said section, and inserting in lieu thereof the word, "three," so that said section, when so amended, shall read as follows: Section 12. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the first day of January, and three per cent. fees upon all taxes paid or collected after that time, to be added to the amount of taxes and collected with the same, and one per cent. upon all other moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1885.

[No. 379, A.] [Published April 21, 1885.]

CHAPTER 441.

AN ACT relating to the city of Appleton, and codifying, consolidating and amending the act of incorporation, and all acts amendatory thereof, and repealing all other acts relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Corporate name.

SECTION 1. The district of country in the county of Outagamie and state of Wisconsin, contained within the limits and boundaries hereinafter described, shall be a city by the name of Appleton, and the people now inhabiting, and those who shall hereafter inhabit said district of country herein described, shall be a municipal corporation by the name of the city of Appleton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may alter and change the same at pleasure.

Boundaries.

SECTION 2. The territory included within the following limits and boundaries shall constitute the city of Appleton, to wit: All of sections twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six and the south half of section twenty-three, all in township twenty-one north of range seventeen east.

Wards and their boundaries.

SECTION 3. The said city shall be divided into six wards as follows: The first ward shall comprise all that portion of territory lying south of the center of second avenue, and east and north of the following line; commencing at a point in

the center of Second avenue, at the northern extremity of Drew street; thence south along the center of Drew street to College avenue; thence southeasterly to northeast corner of block one, Appleton plat, thence along the east line of said block to its termination; thence due south to the center of Fox River; thence easterly along the center of said Fox River, to the city limits. The second ward shall contain all that portion of territory lying south of the center of Atlantic street and west of the center of Drew street, and west of the east line of block one, Appleton plat, bounded on the west and south as follows: Commencing at a point in the center of North Division street at its intersection with Atlantic street; thence run south, in the center of North Division street, in direct line to the center of Elm street; thence southeasterly along the center of Elm street to the center of Fox River; thence easterly in the center of Fox River to the southwest boundary of the first ward. The third ward shall include and contain all the remaining territory of said city north of the center of Fox River, not included in the first and second wards, and south of the center of College avenue. The fourth ward shall contain and include all that portion of territory lying south of the center of Fox River, in said city limits. The fifth ward shall contain all that portion of territory lying south of the center of Second avenue and west of the center of North Division street, and north of the center of College avenue. The sixth ward shall contain all that portion of territory in said city limits not included in the first and fifth wards, as follows; the south half of section twenty-three, and all territory south of the center of Second avenue, west of the center of Drew street, north of the center of Atlantic street, and east of the center of North Division street.

CHAPTER II.

ELECTIONS.

Annual elections.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday of April in each year at such place in each ward as the common council shall designate, and the polls

shall be kept open from nine o'clock in the forenoon until sundown; and ten days previous notice shall be given by the city clerk by publication of the time and place of holding such elections, which notice shall state the officers to be elected.

SECTION 2. The elective officers of said city shall be a mayor, city clerk, a treasurer, an attorney, and three assessors, to be chosen from the city at large, but no two assessors shall be elected from the same ward; the assessors now in office shall respectively hold their office during the term for which they have been elected and until their successors are elected and qualified; and one assessor shall be elected annually whose term of office shall be three years; and their salaries shall not exceed the sum of three hundred dollars each, in lieu of all other compensation. Two aldermen and one county supervisor shall be elected in each ward. At the annual city election to be held on the first Tuesday of April, 1885, a justice of the peace shall be elected by the qualified voters of each of the following districts, viz.: The first and fourth wards shall elect one justice or the peace; the second and sixth wards shall elect one justice of the peace; the third and fifth wards shall elect one justice of the peace. The justices of the peace of said city now in office shall be and remain in office until the second Tuesday in April, 1886, and until their successors are elected and qualified. Vacancies in the office of justice of the peace may be filled by appointment by the common council, to hold office for the residue of the term to which they are appointed. The appointive officers of said city shall consist of a city surveyor, commissioner of the poor, city physician, marshal, street commissioner and all other officers necessary for the proper management of the affairs of said city, to be appointed by the common council. All elective officers except justices of the peace, assessors and aldermen shall, unless otherwise provided by law, hold their respective offices for one year and until their successors are elected and qualified, and justices of the peace and aldermen shall each hold office for two years and until their successors are chosen and qualified; provided, however, the common council shall have power, for due cause, and after opportunity for a fair hearing, to expel any of their own number, and to remove from

Elective officers.

office any officer or agent under the city government except justices of the peace, written notice being first given to the officer complained of to appear before the common council and answer to the complaint made.

In case of vacancy.

SECTION 3. Whenever a vacancy shall occur in the office or mayor or aldermen, such vacancy shall be filled by a new election which shall be ordered and held within ten days after official notice of such vacancy shall be received by the city clerk or mayor; and any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections shall be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct. All votes for elective officers shall be upon one ballot, and be deposited in one ballot box.

Qualified voters.

SECTION 5. All persons entitled to vote for county officers, who shall reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office herein created.

How elections are conducted.

SECTION 6. All elections under this act shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state relating to elections.

Canvass of votes.

SECTION 7. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors and clerks shall make a return thereof, duly signed, stating therein the number of votes for each person, and the office designated, and the whole number of votes cast; and shall deliver or cause to be delivered, such return, together with the poll lists kept by the clerks, to the city clerk within twenty-four hours

after any election. In case of any neglect or failure to any inspector or clerk to comply with the provisions of this section, such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and costs of suit, to be recovered before any justice of the peace of said city, in an action of debt. Within one week after each and every election under and by virtue of this act, the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Outagamie county, shall meet, canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Forfeitures and penalties.

SECTION 8. All fines imposed and collected by virtue of this chapter, and all fines and penalties imposed by a justice of the peace for assault and battery, breach of the peace, or other offense against the statutes, cognizable before a justice of the peace, committed within the limits of said city, shall be paid into the city treasury.

What is deemed vacation in office.

SECTION 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, or if any officer shall be convicted of any infamous crime under the laws of this state, he shall be deemed to have vacated his office, and the same may be filled as provided for in this act.

Ward aldermen.

SECTION 10. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and the alderman elected under the former city charter shall hold his office for the term for which he was elected.

Terms of office.

SECTION 11. All city and ward officers now in office shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of office of every officer elected under this act, shall commence on the second Tuesday of April of the year in which he was elected.

First election, when held and how conducted.

SECTION 12. All duties herein required of the common council, aldermen and city clerk, in regard to elections, shall be performed so far as

may be necessary, by the common council and aldermen, in regard to the first election, and the organization of the city government under this act. And the first election of officers under the provisions of this act shall be held on the first Tuesday of April, A. D. 1885. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, as in the case of special elections to fill vacancies.

Jurisdiction of justices of the peace.

SECTION 13. The justice of the peace, authorized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Outagamie county, and they shall have jurisdiction over, and cognizance of, all actions and proceedings the same as other justices of the peace in said county of Outagamie, and all proceedings at law before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace, and they shall also have jurisdiction of all offenses against the ordinances and regulations established by the mayor and common council, and they may hold their offices in any portion of the city; provided, that two of them shall hold their offices in the same room; and, provided, further, that their official bonds shall be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to said city which may come into their hands; and they shall, on the first Monday of March and September of each year, report to the common council the amount of all moneys belonging to said city, and pay the same at the time of making such report to the city treasurer, who shall give a receipt therefor.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, ex-

cept a justice of the peace shall, before he enters upon his duties, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, street commissioner and such other officers as the common council may direct, shall severally, before they enter upon their respective duties, execute to the city of Appleton a bond with at least two sureties who shall be freeholders and shall justify that they are worth in the aggregate double the amount specified in said bond over and above all debts, liabilities and exemptions, said bond to be subject to approval by the mayor or common council, and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper; and the common council may, from time to time, require new or additional bonds, or remove from office any officer neglecting or refusing to present the same.

Duties of mayor defined.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures in writing as he shall deem advantageous for the city. The mayor shall be chief executive officer and head of the police of the city; and he may appoint as many special or temporary policemen as he may deem necessary. In the common council the mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objections thereto in writing at any time within five days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of said five days such notification shall be made by filing with the city clerk a copy of his objections; and if the common council shall not, at the next regular meeting thereafter, re-enact such ordinance or adopt such resolution, by the votes of two-thirds of all the aldermen elect, the same shall be null and void.

Election of president of council and his duties defined.

SECTION 3. At the first meeting of the common council, in each corporate year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor from the city or his inability for any reason to discharge the duties of his office the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall both be absent at any meeting, of the common council, that body shall proceed to elect a temporary presiding officer, who, for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them, or either of them, in such capacity shall have the same force and validity as if performed by the mayor. The common council, at their first or second meeting after the charter election in each year, shall appoint all the appointive officers of said city, and all the appointive officers shall hold office for one year, and until their successors are chosen and qualified. The common council shall by resolution fix the salary or fees of all officers of the city at the first regular meeting in March of each year. Provided, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of March, 1885. And no salary shall be increased or diminished during the term of office of any officer, and such salary or fees shall neither be increased or diminished during the corporate year in which such resolution may be adopted. The common council, at their first meeting in each year, or as soon thereafter as may be, shall order the city clerk to advertise for proposals from the publishers of weekly newspapers printed in the English language in said city for all the legal printing and publication necessary to be done by the city, except as otherwise provided herein; and said printing and publication shall be let to the lowest responsible bidder, who shall be styled the city printer, and in case of bids being alike, the common council shall designate which paper shall receive the contract; and all affidavits and verifications of the fact of publication of any notice, ordinance, by-law or resolution may be made by any person doing such printing, or by the foreman

in the office in which such printing may have been done; and such affidavit shall be read in evidence in the same manner, and shall in all respects have the same force and effect as if made by the city printer; and no appropriation of money shall be made for any printing or publishing unless the same shall be let by contract, as herein provided. The doing of job printing and furnishing material therefor, and the publication of the proceedings of the common council, or either, may be let to the lowest bidder, whether such bidder be the city printer or not; and the proceedings may be published in the English or German papers published in said city, or both, at the option of the common council.

Duties of city clerk defined.

SECTION 4. The city clerk shall keep the corporate seal and all papers and records of the city. He shall keep a record of all the proceedings of the common council, whose meetings he shall attend. He shall draw and countersign all orders on the treasurer, pursuant to any vote or resolution of the common council, and keep an accurate record thereof in books provided for that purpose. He shall file in his office and safely keep all chattel mortgages, bills of sale, and other instruments necessary and proper to be filed therein presented for that purpose, on payment of twenty-five cents therefor; and all bills of sale and such instruments aforesaid, chattel mortgages so filed, shall be as valid and legal as if filed in the town clerk's office in any town. He shall have power to take acknowledgements of deeds and other instruments and administer oaths and affirmations, and may appoint a deputy, subject to the approval of the common council, at a regular meeting thereof, for whose official acts he shall be responsible. He shall keep an accurate and detailed account of the financial condition of the city, in such manner as the common council may prescribe. He shall make copies of the assessment rolls of said city, and correct any errors therein made by the assessors in the description of lots or lands therein, and add the taxes thereon levied by the common council in pursuance of the provisions of this act, and as required by law. He shall keep an accurate account of the several funds, and charge the city treasurer with all taxes levied for each, and for all sums paid into

the treasury for any other purpose. He shall annually on the first day of November in each year, report to the common council a list of all outstanding city bonds and coupons, to whom issued, and when and where payable, and the rate of interest they may respectively bear. He shall report annually at the same period, or as often as the common council may require, an estimate of the general expenses of the city, and of the amount of revenue necessary to be raised for the current year. He shall keep his office open for the transaction of business during business hours on every day except Sundays or holidays. Copies of all estimates made by the city surveyor, or any engineer employed for the purpose, for work to be done by the city, shall be filed in the office of the city clerk and a brief record or memorandum of the same made in a book to be by him kept for that purpose, in which shall be noted the time when, the person to whom, and the amount for which any contract is let under and subject to such estimates. The city clerk shall advertise and let all contracts for work to be done or services to be performed for the city in pursuance of the order of the common council subject to the approval of the common council, and in behalf of said city, or any ward, shall sign such contracts, the originals, or attested copies thereof, to be by him filed in his office. Whenever the street commissioner, or other officer thereto authorized by the common council, shall certify on oath that a lien has accrued against any real estate for work done pursuant to a contract duly made, or to the charter or ordinances of the city, the city clerk shall issue to the contractor or contractors, a certificate or certificates under his hand, stating therein the amount of work done by such contractor, or contractors, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable which certificate or certificates may be transferred by endorsement thereon. Provided, that he shall keep a stub-book with a brief memorandum therein showing the number, date of issue, description of the real estate and of the work done, the amount in dollars and cents, and the person or persons to whom such certificate shall have been issued; provided, further, that he shall at the time the common council makes the annual levy

taxes in said city, report to that body a schedle of all the lots or parcels of land subject to pecial assessment or tax, and the amount of pecial assessments or taxes necessary to be levied pon such lots or parcels of land respectively, ith a statement of the several acts done and erformed in reference to such special assessments or taxes, which schedule shall be verified y his affidavit and shall be *prima facie* evidence f the facts therein stated, in all cases wherein ne validity of such special assessment or tax hall come in question, the common council shall, from such report they deem such special tax r assessment legal and just, cause the same to e assessed in pursuance of the provisions of this ct. He shall report to the common council nonthly the amount of work done, or for which ontracts have been entered into chargeable to he city. He shall make a report in writing at he first regular meeting in each month, showing he financial condition of the city. He shall keep record in his office of all articles of personal roperty belonging to the city, and shall effect n behalf of the city all such insurance upon he buildings or other personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, ouchers and accounts of the treasurer, and rom time to time perform such other duties as he common council may direct. He shall not e directly or indirectly, interested in any ontract or job to which the city shall be a arty. All claims and demands against the ity, before they are allowed by the common ouncil, shall be audited and adjusted by the ity clerk, and the common council may modfy, correct or disallow the same. He shall also e clerk of the board of health and shall keep a ecord of its proceedings, and perform such other luties as said board may prescribe. He shall reord, in books to be prepared for that purpose, all apers and proceedings had relative to the opening and laying out, altering or vacating of streets, anes, alleys, public squares and parks, or changing the names thereof, and shall certify to the time when such records are made, and all such records shall be evidence in all courts and places, the same as original papers or proceedings.

Whenever the city clerk or his deputy shall be absent or otherwise incapacitated from performing any official duty, the common council shall have power to appoint a clerk *pro tem.* Copies of all papers filed in the office of city clerk, and transcripts from the records of said city certified by him under the corporate seal, shall be evidence in all courts and places, in like manner as if the originals were produced.

The treasurer and his duties defined.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the laws of this state or ordinances of the city. All moneys raised, received, recovered or collected by means of any tax, license, fine, penalty, forfeiture or otherwise, by virtue of this act, or which belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order on that specific fund, signed by the mayor and countersigned by the clerk by order of the common council. He shall keep an accurate account of all moneys or other property which may come into his hands as treasurer, in books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the persons from whom the several sums were received, which books shall at all reasonable hours be open to the inspection of any person. As often as the common council may require, he shall render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his term of office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be the collector of taxes in said city, and for his service he shall have the same powers and be subject to the same liabilities and governed by the same laws as treasurers of towns, except as otherwise provided for in this act; provided, always, that he shall keep an accurate account of all fees by him received as treasurer, from any and all sources, in a book to be provided for that purpose, and said fees shall be by him paid and credited to the general fund of said city, for the use of said city; and such book shall be open at all reasonable times to the inspection of any person; and he shall, when required, make report to the common council, duly

erified on oath, of all fees received by him as reasurer. The treasurer shall keep separate accounts with each fund (state, county, city, school, tc.); if he shall neglect or refuse to exhibit his ooks when called upon so to do by any elector f the city, he shall be subject to a penalty of not nore than one hundred dollars for each and every ffense, to be recovered in the name of and for the se of the city. The treasurer may appoint a depty, for whose official acts he and his bail shall be esponsible.

The marshal and his duties defined.

SECTION 6. The marshal shall perform such luties as shall be prescribed by the common council, for the preservation of the public peace and or the collection of fines and license moneys. He shall possess all the powers of constables of owns, be subject to the same liabilities, and be entitled to the same fees. It shall be his duty to xecute and return all writs and processes to him irected, and when necessary, in criminal cases, or or the violation of any ordinance of said city, or aw of the state, may pursue and serve the same n any part of the state. It shall be his duty to uppress all riots, disturbances and breaches of he peace, to remove all obstructions in the treets, avenues, alleys and highways in said city, o abate all nuisances, to apprehend any person in he act of committing any offense against any ordinance of said city or laws of the state, and within reasonable time bring such person before ompetent authority for examination or trial. He hall appoint one or more deputies, to be approved by the common council, for whose official acts he shall be responsible; and in person or by leputy, he shall be on duty every day, within the ity, and as he shall from time to time be directed by the mayor. The coroner of Outagamie county, if a resident of the city of Appleton, may, upon filing a bond with the city clerk, in like sum and with like penalties as the bond of the marshal, duly approved by the mayor and clerk, exercise all the powers and prerogatives of a constable of any town, be subject to the same penalties and liabilities, and be entitled to the same fees.

City surveyor and his duties.

SECTION 7. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of

any person all surveys, profiles, plans or estimates made by him for the city (which shall be the property of the city), and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to the city clerk on the expiration of his term of office. All bridges, reservoirs and sewers shall be built subject to his acceptance, but a contractor may appeal from his decision to the common council.

City attorney.

SECTION 8. The city attorney shall be a person duly admitted to practice in the courts of record, conformable to the laws of this state.

Superintendent of schools.

SECTION 9. The city superintendent of schools provided by chapter 10, of this act, shall possess the necessary qualifications of a common school teacher of the highest grade.

City printer.

SECTION 10. The city printer, immediately after the publication of any ordinance or notice which by this act is required to be published, shall file with the city clerk a copy of such publication, with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such ordinance or notice.

Officers of the peace.

SECTION 11. The mayor, acting mayor, sheriff of Outagamie county, each alderman, justice of the peace, marshal, chief engineer of the fire department, foreman of a fire company, policeman, watchman and street commissioner, shall be officers of the peace in said city, and may command the peace and suppress in a summary manner rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers, and if needed of all citizens and fire companies; and if any person or fireman shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not less than ten nor more than fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior officer present, in the order mentioned in this section, shall direct proceedings.

Penalty for failure to deliver to successor.

SECTION 12. If any person, having been an officer in said city, shall not within ten days after notification, deliver to his successor in office all

property, books, papers and effects of every description in his possession, pertaining to the office he may have held, or belonging to said city, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books and papers and effects in the manner prescribed by the laws of this state. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be deemed necessary to carry out the provisions of this act, in which case they shall fully prescribe their duties and liabilities.

Shall not be interested in any job or contract.

SECTION 13. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on such contract the city shall sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. The senior alderman of each ward shall be, *ex officio*, a member of the county board of supervisors of the county of Outagamie, whenever there shall be a vacancy in the office, or of disability on the part of the county supervisor thereof.

Duties of assessor, how prescribed.

SECTION 14. The duties of assessors shall be as prescribed by the general laws of the state, except as modified by the provisions of this act.

Street commissioner.

SECTION 15. The street commissioner shall be, *ex officio*, a policeman, and shall hold his office where directed by the common council. He shall attend the stated monthly meetings of the common council, and shall present in writing at each such meeting a sworn statement showing in detail the amount and cost of all materials used and all labor employed for the city during the previous month, of whom purchased and where used; and he shall make such purchases from time to time as the common council may direct but not inconsistent with the provisions of this act; and at the end of his term of office make a full report thereof to said body. His powers, except as defined by this act, shall be prescribed by the common council. He shall make a report in detail whenever required

by the common council of all of his acts and doings, and at the expiration of his term of office shall deliver over to his successor all books, records, papers and other property pertaining to said office, or belonging to the city; and his records and papers shall be open to the inspection of any citizen of the city at all reasonable hours.

Per diem.

SECTION 16 All elective and appointive officers shall receive such pay per annum or per diem as the common council shall prescribe.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the mayor and common council of the city of Appleton do ordain, etc. The common council shall meet at such time and place as they, by resolution, shall determine. A majority of the aldermen shall constitute a quorum. They shall hold stated meetings, and the mayor or acting mayor, may call special meetings, by notice to each member, to be personally served or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members, and impose penalties for absence.

Management and control of finances.

SECTION 2. The common council shall have the management and control of the finances and property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, the prevention of crime, and for the benefit of health, trade and commerce thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons, who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-

laws are hereby declared to be and have the force of law; provided, that they be not repuguant to the constitution, and laws of the United States, or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws:

Licenses.

1st. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling alleys, roller skating rinks, pawn shops and second hand stores; and to provide for the abatement of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep saloons, groceries, taverns, and victualing-houses, wherein may be sold strong, spirituous, ardent or intoxicating liquors, beer, ale, wine or cider, to be drank on the premises, in a quantity less than one gallon, under such regulations, conditions and restrictions as they may deem expedient; and which are in accordance with the general laws of this state for a license fee not less than therein prescribed. No license shall be granted for a term longer than one year, nor for a less term than the corporate year, or the part of such year unexpired at the term when application for such license is filed with the city clerk.

Gambling.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance in said city, for purpose of gain, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Riots.

3d. To prevent any riots, noise, disturbances or disorderly assemblages; suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for gambling.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, brewery, distillery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-house, gunpowder, etc.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder, kerosene and all other products of crude oil, petroleum, naptha or coal oil, or other combustible materials.

Markets, provisions, etc.

6th. To establish public markets, build or purchase market houses, make rules for the government of the same, appoint suitable officers to oversee such markets, and to restrain all persons from violating or interfering with such rules, to license and regulate butchers' stalls, shops and stands for the sale of butchers' meat, game, poultry, fish, butter provisions of all kinds, fruit and garden produce; to regulate the place and manner of weighing and selling hay, and measuring and selling fuel, and to appoint suitable persons to superintend and conduct the same; to regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to license, regulate and prescribe the fees of hacks, cabs, omnibusses, drays, express wagons and other vehicles.

Obstruction of streets.

7th. To prevent the incumbering of streets, avenues, alleys, highways, sidewalks and cross walks, with railway cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other substances, or materials whatever; to compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys, avenues and highways opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant, to prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or shall have placed it upon the premises of another, and in default, to authorize the removal thereof at the expense of such person or persons offending.

8th. To prevent horse-racing, immoderate rid-

ing or driving, the riding or driving of any horse, ox, mule or other animal on the sidewalk, or the doing of any damage to such sidewalks, and to regulate the hours and places of swimming or bathing in the waters within the limits of said city. Horse-racing, immoderate driving.

9th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and authorizing the distraining and sale of the same; to prevent the running at large of dogs; to tax the same, and to authorize their destruction in a summary manner, when at large contrary to ordinance. Restrain cattle.

10th. To make and establish public grounds, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, or as a protection against fire; to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Public grounds, etc.

11th. To make regulations for the board of health, provide hospitals and poor-houses, purchase cemetery grounds, regulate the burial of the dead, the return bills of mortality, and the exemption of burial grounds, set apart for public use, from taxation, to which end said city may purchase and hold within or without the city limits, not exceeding three hundred and twenty acres of land for hospitals, and poor-houses and cemetery purposes. Boards of health.

12th. To prevent the shooting of fire-arms or crackers, and to regulate and restrain the exhibition of fire-works. Fire-arms.

13th. To restrain drunkenness and obscenity, or vagrancy, in the streets or public places, and to provide for the arrest and punishment of the offender or offenders. Drunkenness.

14th. To restrain and regulate runners and solicitors for railways, steamers, vessels, stages, public-houses or other establishments, and to establish and regulate the police of the city, and to appoint watchmen and prescribe their duties. Runners, police etc.

15th. To regulate the time, place and manner of holding public auctions; to provide for a standard of weights and measures, and prescribe by ordinance the punishment for the use of false weights and measures. Auctions.

16th. To protect trees and monuments. Trees and monuments.

Wharves and piers

17th. To regulate the construction of wharves or piers, extending into Fox river; to prescribe and control the prices to be charged for wharfage or pierage; to prevent the throwing or depositing of any filthy or putrid substance, or any slabs, chips, shavings or other substance in said river, and by ordinance to construct, alter and maintain, or cause to be constructed, altered or maintained, at the expense of said city, or any of the wards, wharves along the banks of said river.

Infectious diseases.

18th. To regulate, control and prevent the landing of persons from railways, steamers, vessels or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Pest-house.

19th. To establish and regulate pest-houses within or without the limits of said city.

Sewers.

20th. To prescribe and regulate the construction and use of all drains and sewers within said city, and to prescribe and enforce rules and conditions for connecting branch sewers or drains therewith.

Keep in repair and discontinue highways.

21st. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, avenues, alleys and public squares, to purchase land and to establish it for public parks or squares, and to keep them free from incumbrances, and protect them from injury; provided, that a record of the establishment and discontinuance of a highway, street, avenue, lane or alley shall be made in the office of the register of deeds of Outagamie county.

Change and alter streets.

22d. To alter or change the name of any street; to alter or vacate the recorded plat of said city, or any part thereof surveyed, platted and recorded in the office of the register of deeds of Outagamie county, upon petition, and upon such notice as is required in vacating town plats in the circuit court.

Shall not bar or hinder suits.

SECTION 3. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses and buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame,

disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, are hereby declared and shall be deemed public or common nuisances.

How ordinances shall be passed.

SECTION 4. All ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor or acting mayor, and shall be published in the official paper of said city, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the printer, publisher or foreman of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as *prima facie* evidence of the time and manner of such publication. A printed copy of an ordinance, regulation, by-law or resolution, passed by the common council and published in an official newspaper of said city, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Appropriation votes, how taken.

SECTION 5. No appropriation shall be made without a vote of a majority of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the common council; nor shall any appropriation be made for any purpose not authorized by this act, nor any judgment or penalty recovered in favor of the city, be remitted or discharged, except by a majority of the aldermen elect.

Determination and adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of all officers and agents of the city, at such times as they may deem proper, and also at the end of each corporate year, and before the time for which the officers or agents of said city are chosen shall have expired. The common council shall require each and every such officer and agent to exhibit his books, accounts vouchers, moneys and funds for such examination and settlement; and if any such officer or agent shall neglect or refuse to comply

with the orders of the common council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books, funds, moneys and vouchers to said common council it shall be the duty of the common council to declare the office of the offending person vacant, and the city attorney shall thereupon institute suits and proceedings at law against any officer or agent so offending, who may be found delinquent or defaulting in his accounts; and a full record shall be made by the city clerk of all settlements and adjustments.

Examination of official acts.

SECTION 7. The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council, or any member of any committee appointed by the common council shall have power to administer all necessary oaths or affirmations to persons who may be called before the common council, or any such committee, to give testimony. The mayor, acting mayor or president of the common council is authorized and empowered to issue a subpœna by him signed, commanding any person to appear before the common council or committee designated to testify concerning any matter under examination or investigation as above provided, and to produce before the common council or such committee any books, papers [or documents relating to the matter under examination or investigation, and every person served with such process is hereby required to obey the same without the prepayment of fees.

Contempt for refusal to testify.

SECTION 8. If any person shall neglect or refuse to appear and testify and produce such books, papers and documents, as required by section 7, of this chapter, the common council may declare him in contempt, and upon proof of service it shall be the duty of the county judge of Outagamie county, or the judge of any court of record, upon the application of the mayor, acting mayor or president of the common council of said city or

any committee appointed by such common council, to issue summary process, either in term time or vacation, for such offending person, and to bring him before him, and then, unless such person shall purge himself of contempt, and go before the common council or such committee and testify and produce such books, papers or documents, to commit him to the common jail of Outagamie county, there to remain in close confinement until he shall so testify or produce the books, papers or documents as required, or he is discharged by the common council or any such committee; and the jailor of such county is hereby required to receive and secure any such person, pursuant to any such commitment.

Examination to be made when in session.

SECTION 9. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Shall not be used in civil or criminal suits.

SECTION 10. Any admission which any person shall make when testifying before such committee or the common council shall not be used against him in any civil or criminal suit.

CHAPTER V.

FINANCES AND TAXATION.

Finances, how controlled.

SECTION 1. All funds in the treasury, except state, school and county funds, shall be under the control of the common council, and shall be drawn out upon order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn.

Annual tax levy.

SECTION 2. The common council shall annually levy upon the taxable property of said city, to defray the current expenses of the city, for the support of poor, the payment of the principal and interest upon city bonds which have been or may be hereafter issued, for the construction or repair of bridg s, culverts, reservoirs, wells or water-works, fire-engines or extinguishers, engine houses, market houses, poor-houses, city hall, prison or watch-house, and for all other purposes authorized by the charter of said city, or laws of the

state, such sum of money, not exceeding two per cent., upon the assessed valuation of all property, as shall be determined by a majority of all the aldermen elect, upon the call of the yeas and nays at a regular meeting of the common council during the month of November in each year; provided, that this section shall not be so construed as to interfere or conflict with any general law of this state, authorizing the levy and collection of taxes.

Accounts and claims to be verified.

SECTION 3. No account, claim or demand of any nature or kind whatever shall be audited by the clerk nor allowed be the common council, unless the same is verified on oath by the owner thereof, which verification shall be substantially as follows: I, —— —— being duly sworn depose and say the above account (claim or demand as the case may be), is just and true, and the same has not been paid, or any part thereof, and that the same accrued by the order of (naming the person if any one). Subscribed and sworn to before me this —— day of —— A. D., 18—; provided that if the owner of an account, claim, or demand as aforesaid is sick or absent from the city, the affidavit may be made by his agent or attorney cognizant of the facts, who shall also swear, in addition to the affidavit aforesaid, substantially as follows: That he is agent or attorney (as the fact is) of the said ——; that all the facts in reference to said claim, demand or account are within his personal knowledge; that the said owner is sick and unable to make this affidavit; or that he is absent from the city.

All property subject to annual taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to an annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner herein prescribed; provided, however, that the common council may, by ordinance more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable, not inconsistent with the provisions of this act.

Meeting of board of assessors.

SECTION 5. On the third Monday in April, in each and every year, the board of assessors shall

meet at the common council chamber, and as soon thereafter as possible decide upon a division of their labors, of which division they shall make a record duly signed by them and filed in the office of the city clerk, and shall without delay enter upon the discharge of their duties.

Taxes and assessments to be lien on property.

SECTION 6. All taxes and assessments, general or special, levied by virtue of this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes from the assessment thereof, until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

In case of omission in assessment roll.

SECTION 7. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had it made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the taxes or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by resolution direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct; and the said tax or as-

sessment so re-assessed or re-levied shall be or continue to be a lien upon said lot or tract and shall be collected as other taxes and assessments are collected under this act.

Directions only directory.

SECTION 8. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Board of equalization.

SECTION 9. The assessors, together with three aldermen to be designated by the common council at its first regular meeting in June in each year, shall constitute the city board of equalization, and shall meet at the common council chamber on the first Monday in July in each year at nine o'clock in the forenoon, and shall proceed in all respects so far as practicable, except as herein provided, as town boards are required to proceed, to make such amendments, corrections and alterations, and to review, correct and equalize the assessments of the several wards, in their order. They shall choose one of their number as chairman, and one as clerk. The shall devote at least two days to each ward, to the hearing of complaints, and thereafter they shall proceed to correct, equalize and determine said assessments; provided, that said board shall not have the power to increase the assessed valuation upon any real estate or personal property in said city without first giving twenty-four hours' notice in printing or writing to the owner, if a resident of the city, or the occupant or any agent thereof, if known as such to the board, of such proposed increase.

Copy of assessment roll to be transmitted to county clerk.

SECTION 10. Before the annual meeting of the board of supervisors of the county of Outagamie, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before the county board at its annual meeting.

Equalizing taxes.

SECTION 11. The county board of equalizers of Outagamie county shall equalize the assessment roll of the city with the assessment rolls of the

towns in that county; but in such equalization shall consider the assessment roll of the city as an entire roll, and shall not change the relative value of the different wards.

Levy of taxes, how made.

SECTION 12. The county board of supervisors may levy taxes as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the various purposes to be certified to the city clerk, as prescribed by law; and the city clerk shall thereupon make out a tax list for all purposes, in a book or books to be provided therefor, setting opposite to each tract of land, and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such persons. The said copy shall be designated "the tax list," and to it shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of the city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified in the manner prescribed by this act. Before delivering such tax list to the treasurer the city clerk shall compare it with the assessment roll as confirmed, and shall add to it his certificate that the same has been by him compared, and that it is a true, full and complete copy of such assessment roll; and the tax list, when so certified, shall be *prima facie* evidence in every court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to be in force.

SECTION 13. All the general laws of this state, which are now or may be hereafter in force relative to the collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city, at the same time and in the same manner as is required by law of the town treasurer to collect taxes; and all unpaid taxes and assessments shall, in like manner, be returned to and collected by the county treasurer; but the five per cent. included in said return as collection fees shall, when collected, be paid over to the city treasurer and by him placed in the general fund of the city for the use and benefit of the city. The city treasurer shall be entitled to charge, collect and receive for

said city, as fees for the collection of taxes and assessments two per cent. on all sums collected by or paid to him prior to the first day of January in each year, and five per cent. on all sums collected by or paid to him after said day, and before his return to the county treasurer. The city treasurer shall, upon the receipt of the tax list, publish a notice in the weekly newspapers printed in the city, specifying that all taxes and assessments, whether upon real or personal property, in said tax list, shall be paid on or before the fifteenth day of January next ensuing, at his office in said city, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes and assessments; and the publication of such notice shall be deemed and taken to be a demand, and failure to pay such taxes and assessments within the time limited in such notice shall be deemed a refusal to pay the same.

City may lease or hold real estate.

SECTION 14. If, at any sale of personal estate for taxes or assessments, no bids shall be made for any goods or chattels offered, the same shall be struck off to the city, and thereupon, the city shall receive in its corporate name, a certificate of sale, and shall be vested with the same rights as other purchasers, and personal property so purchased by the city may be subsequently sold by the marshal, at public auction, or otherwise, and the avails thereof paid to the city treasurer.

Collection of unpaid taxes.

SECTION 15. Whenever the taxes on personal property shall not be paid within three days after the tax warrant is in the hands of the treasurer, of any year, and the treasurer has reason to believe the property subject to tax will be disposed of or removed from the city before such tax is paid thereon, the treasurer may issue his warrant, directed to the city marshal, commanding him to collect such unpaid taxes; and for such purpose the city marshal shall have all the powers, and be subject to the same liabilities and be entitled to the same compensation as is now provided by the charter of said city; and the said warrant, when so issued, shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

SECTION 16. The common council shall not

have power to issue any bonds or other evidences of debt, payable at a day subsequently to the date thereof, except in cases authorized by this act or some law of this state; nor shall the common council issue in any one year orders upon the city to an amount greater than the surplus funds on hand, and the amount of taxes which may be levied under the provisions of this act; and in case a greater amount of orders shall be issued than is herein provided, the members of the common council shall be personally liable therefor, and the amount of such excess may be collected of them, or any of them, by any person holding such orders, in any court of competent jurisdiction; provided, that no alderman shall be held liable as aforesaid without proof of his assent to the issue of such excess of orders. Nothing herein contained shall be so construed as to prevent the common council from making a temporary loan, if two-thirds of all the aldermen elect so vote, in anticipation of the tax to be levied and collected during the current fiscal year when such loan is effected.

Shall have no power to issue bonds.

SECTION 17. Whenever it shall be shown to the satisfaction of the common council, by affidavit, deposition or oral testimony on oath, that manifest error or injustice has been done in the assessment, equalization or levying of general or special taxes upon any real or personal property in said city, by means of which excessive and unjust amount of tax has been levied, the common council may, by a two-thirds vote of all the aldermen elect, remit such sum as it decides to be in excess of the equitable amount; provided, that all such affidavits, depositions or oral testimony, reduced to writing, shall be filed in the office of the clerk, and be receivable in all courts and places; and provided, further, that if any person shall willfully and knowingly make a false affidavit or deposition, or make false statements under oath, for the purpose of obtaining an abatement of any assessment or tax made or levied pursuant to the provisions of this act, he shall be deemed guilty of perjury, and be prosecuted therefor.

In case of manifest error in the assessment.

SECTION 18. Whenever any person shall signify in writing to the board of equalization, while such board is still in session, that he is dissatisfied with the equalization of his real or personal prop-

Time to be appointed for hearing dissatisfaction.

erty, stating the grounds of such dissatisfaction, said board shall appoint a time to act thereon and at such time as they shall decide thereon.

City treasurer to conform to general laws in case taxes cannot be collected.

SECTION 19. The city treasurer in collecting taxes, and making his return to the county treasurer, shall conform to the general laws of the state, except as herein provided, but the return to the county treasurer shall be for the city, and not for the wards separately.

City treasurer shall proceed like town treasurer.

SECTION 20. In case the city treasurer and city marshal shall be unable to collect any taxes assessed upon any personal property, and payable to any person named in the tax list, he shall proceed in all things according to the general laws of this state, in bringing the delinquent person before some justice of the peace, and such proceedings shall be had as is provided by the general laws as aforesaid.

When taxes shall be returned.

SECTION 21. On or before the first Monday of March, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Outagamie county, a list of all land, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys and properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced by the county treasurer, to collect any delinquent personal property tax, of whatever year, due to said city.

In case treasurer neglects his duties.

SECTION 22. In case the city treasurer shall at any time refuse or neglect to perform his duties, in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

In relation to borrowing money.

SECTION 23. Whenever the common council, as hereinbefore authorized, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, not inconsistent with the provisions of this act, and such certificates may be drawn to bear interest at a rate not exceeding eight per centum per annum; and when so drawn and

signed by the mayor and clerk, the interest shall be paid thereon as therein expressed.

Claim first to be presented before action can be commenced.

SECTION 24. No action shall be maintained by any person against the city, upon any claims or demands of any kind whatsoever, whether arising from contract or otherwise, until such person shall have first presented such claim or demand, duly verified under oath, to the common council for allowance. Provided, that nothing herein contained shall be so construed as in any manner to affect a right of action upon a city order, duly issued by authority of the common council after payment has been duly demanded.

Determination of board to be found.

SECTION 25. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in court founded on such claim, except that such person may appeal to the circuit court, as provided in section 27, of this chapter.

In case claim is presented and claim be disallowed.

SECTION 26. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again; and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

How appeal may be taken.

SECTION 27. When any account, claim or demand of any kind or nature whatsoever of any person against the city shall be disallowed in whole or in part by the common council such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Outagamie, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to the said city with sufficient surety to be approved by the mayor and clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that may be adjudged against the appellant by the court. The city clerk, in case such appeal is taken, and after one dollar return fee and one dollar for the state tax on the appeal is paid to him by the appellant, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall

transmit the same, together with the bond and all papers in the case, to the clerk of the circuit court of Outagamie county, and thereupon such appeal shall be entered, tried and determined, in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner When any account, claim or demand of any kind or nature whatever, shall have been presented and filed in the office of the city clerk and the common council shall neglect or refuse to allow or disallow the same for sixty days thereafter, it shall be deemed and taken to be disallowed, and the owner and holder thereof shall have the same right to appeal as in case of a disallowed claim. The city shall not be liable for any damages arising or resulting from accidents occurring by reason of the sidewalks, streets, drains, sewers, gutters, ditches, bridges or public grounds in the city being out of repair or in a defective or dangerous condition, unless it be shown that prior to the happening of such accident, one of the officers of the city had actual knowledge of the defect causing the accident, for three days prior to such accident, and no action shall be brought or maintained for any damages arising or resulting from such accidents, unless within three days after the happening of such accidents one of the aldermen or the mayor or city clerk shall receive a personal notice thereof in writing stating the place where and the time when the accident occurred, and giving a general description of the defect claimed to have been the cause of such accident; nor unless a physician or physicians to be designated by the mayor or common council be permitted to examine the injuries of the person claimed to be injured by such accident, at such times and as often as the mayor or common council shall direct.

Notice of appeal to be given to city attorney.

SECTION 28. The city clerk upon such appeal being taken, shall forthwith give notice thereof to the city attorney, and shall also report the same to the common council at its first meeting thereafter.

Shall not appear as attorney.

SECTION 29. No member of the common council, nor the mayor, city clerk, or city attorney, if by profession an attorney-at-law in any court of record in this state, nor any law firm of wich he is a member shall be permitted to appear as attor-

ney or counsel for any person or corporation against the city in any suit or appeal in which said city is a party.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.

SECTION 1. The common council shall have power to lay out and establish public grounds and squares, streets, alleys and highways, and to widen the same, and may purchase land for a street or alley, to an amount not to exceed in any one case seven hundred and fifty dollars, and also in the following manner: Whenever ten or more freeholders, residing in any ward, shall represent by petition to the common council, that it is necessary to take certain lands within the ward where said petitioners reside, for public use for the purpose of laying out public squares, grounds, streets, alleys or highways, or the enlarging or widening the same, the courses, distances and quantities of the land proposed to be taken, as near as may be, together with the names and residences of the owners, if known to said petitioners, the common council shall thereupon cause notice of such application to be served upon the actual occupant or occupants of such lands, if any there be, and if any portion of such lands shall not be in the actual occupancy of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers, at least once in each week for two weeks successively.

Jurors to be appointed.

SECTION 2. Such notice shall state, that upon a day therein to be named, not less than five days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner of Outagamie county, naming such officer, for the appointment of twelve jurors, to view the premises proposed to be taken, determine whether it will be necessary or expedient to take the same for the purpose specified in said petition, and to ascertain, appraise and determine the value of the land, and the amount of damages to be paid to the owner or owners of the property determined to be taken.

Judge shall appoint twelve reputable freeholders.

SECTION 3. Upon presentation of such application, and upon proof and publication of service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint as such jurors, twelve reputable freeholders, citizens and residents of said city, but not residents of the ward in which said premises may lie, nor personally interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within five days thereafter, to view the premises to be specified in said precept, and to make a return under their hands, to the common council, whether, in their judgment, it is necessary to take the premises specified or any adjoining premises for the purpose specified in such application, and also to make return of the value of the lands, and the amount of damages to be paid to the owner or owners, respectively, of the property to be taken.

By whom precept shall be served.

SECTION 4. The city marshal or county coroner shall forthwith serve his precept on the jurors named, by reading the same to each of them that can be found, and immediately after such service he shall return the precept with his doings thereon to the officer who issued the same.

In case jurors are disqualified from acting.

SECTION 5. If any of the jurors so appointed can not be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and shall endorse such substitution on the precept.

Administering oath.

SECTION 6. The said judge or court commissioner, or in his absence, any person authorized to administer oaths, shall, thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to proceed in a body to visit premises.

SECTION 7. The said jurors shall, at such times as they agree upon, without unnecessary delay, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

After viewing the premises and hearing the testimony, the jurors shall make a report of their proceedings which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary and expedient to take the premises in question or adjoining premises, for the public use; and in case they find it necessary to take such premises, they shall report in parcels the value of the lands and the amount of damages awarded by them, which report, testimony and precept shall be returned to the city clerk within the time limited in said precept, and which award shall be final and conclusive, unless an appeal is taken as hereafter provided; provided, that in case said jurors determine that it is necessary to take adjoining premises not included in the original petition, the judge or court commissioner, on application of the jurors, shall extend the time by endorsement on the precept for a sufficient period to secure notice to the occupant or owner of such premises, by personal service, or by publication of the time and place when such jurors will receive the testimony relative to the value of such adjoining premises, and the amount of damages to be awarded; and provided, further, that if the occupant or owner of any of the premises so viewed, shall show to the common council that he or she has other or further testimony, not previously obtainable, which will tend to establish greater value to the land proposed to be taken, or a greater amount of damages the common council shall remand the case to the jurors, to receive and act upon such testimony, and when their report is again presented it shall be final and conclusive, unless an appeal is taken, as hereinafter provided.

In case lands belong to different parties.

SECTION 8. If the lands or buildings belong to different persons or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interest respectively may be awarded to them by the jurors.

Damages shall be paid before lands are taken.

SECTION 9. The lands taken for the purposes mentioned in this chapter shall not be appropriated to the public use until the damages awarded therefor to each owner thereof shall be paid or tendered to such owner or agent, or in case the said owner or agent cannot be found or is un-

known, deposited to his credit with the county treasurer of Outagamie county, and then, and not before, such lands may be taken and appropriated for the purposes required; and the same shall thereafter be subject to all the ordinances and regulations of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out; provided, that the damages awarded by the aforesaid jurors shall be paid, tendered or deposited as hereinbefore required, within one year from the date of the filing of said award and report with the city clerk and if not so paid, or tendered, or deposited, all the proceedings in such case shall be null and void.

Party may tender award another year.

SECTION 10. It shall be lawful for any person to pay, or tender, or deposit, as hereinbefore required, at any time within one year from the date of the filing of the award and report of the jurors, the damages awarded in any case arising under this chapter; and whenever proper vouchers and evidence are filed with the city clerk that said damages have so been paid, tendered, or deposited by any person, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purpose required, and all expenses arising out of this act shall be paid out of the general fund of the city.

In case the whole is under lease.

SECTION 11. When the whole of any lot or tract of land, or other premises, under lease or other contract, shall be taken by virtue of this chapter, all the covenants, contracts or engagements between landlord and tenant, or by any other contracting parties touching the same, or any part thereof shall, upon the filing of the award and report of the jurors, cease and be absolutely discharged.

In case only part is under lease.

SECTION 12. When only part of a tract of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the filing of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable

for such residue thereof, and no more, shall be payable or recoverable for in respect to the same.

In case of legal disability.

SECTION 13. When any known owner of lands or tenements affected by any proceedings under this chapter shall be an infant, or labor under legal disability, the judge of any court of record in said county, may upon the application of the common council, or such party or his next of kin, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

Accurate survey shall be made.

SECTION 14. Whenever any public ground, street, avenue, highway or alley, shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and shall also cause the same to be recorded in the office of the register of deeds of Outagamie county.

Appeal to circuit court.

SECTION 15. Any person whose property is taken, or against whom an assessment is made, may, within twenty days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Outagamie county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal.

CHAPTER VII.

CITY IMPROVEMENTS.

City improvements.

SECTION 1. The common council shall adopt general regulations relative to cleansing and repairing of streets, avenues, lanes, alleys, highways. bridges, sewers, sidewalks, cross walks and public grounds. The expense of repairing and rebuilding sidewalks shall be charged to the property where such improvements are made and in case the owner or occupant of any such lot or parcel of land after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall in pursuance of such regulations, or of the order of the common council, cause the same to be done at the expense of the said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner

shall, prior to the second Monday in November in each year make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes autorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences, both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes prescribed in the act or the general laws of this state for special taxes. The cleansing and repairing of streets, avenues, lanes, alleys, highways, and public grounds shall be done under the superintendence of the street commissioner, at the expense of the city; and the common council may provide for letting all such work by the month or year, by contract. Whenever the street committee of the common council signify in writing to the city clerk that certain repairs, as provided in this section, are needed, the city clerk shall forthwith notify, in writing, the street commissioner to cause the same to be done; and if the street commissioner shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may, in writing, to be filed in the clerk's office, designate a suitable person to act in his stead, which person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make full return of his doings, under oath, to the city clerk, and the acts and doings of such person so appointed shall have the same force, effect and validity as the acts of the street commissioner.

Notice of stagnant waters shall be given by street commissioner.

SECTION 2. The street commissioner shall give notice to all owners or occupants of lots or lands which may be deemed injurious to health by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, and the expense thereof shall be charged

and collected from said lots or lands as other ecial taxes are charged and collected.

Surveying charges to be paid out of general fund.

SECTION 3. The costs and expense of surveying reets, alleys, sidewalks, sewers, and of estimating ork thereon, and of constructing and repairing ıblic wells and reservoirs, shall be chargeable to ıd payable out of the general fund. Opening, rading, graveling, planking or paving streets and leys, to the center thereof, shall be chargeable ıd payable as follows, viz: One-half out of the eneral city fund, and one-half by the lots front- ıg on such street or alley.

The expense of building sewers, etc., how paid.

SECTION 4. The expense of building sewers up) nine inches in diameter, and man-holes and ımp-holes for the same, exclusive of public ;reets and alleys, crossings, shall be a lien upon nd paid by the land, lots and subdivisions of)ts fronting and abutting on the parts of the ;reets where such improvements shall be made nd shall be assessed, levied and collected as other ıxes, unless paid by the parties interested as ereinafter provided. For sewers larger than ine inches in diameter, the expense of building he same in excess of the costs of a sewer nine ıches in diameter shall be paid out of the gen- ral fund, and when it shall be necessary to con- truct a larger sewer than nine inches in diameter or the purpose of an outlet for branch sewers or or the purpose of carrying off surface water or vhich will require a greater depth than a nine inch ellar sewer would require for ordinary sewer- ge purposes, all expenses over and above the ost of a nine inch sewer for ordinary cellar ewerage purposes shall be paid out of the gen- ral fund. Corner lots shall be entitled to a leduction in making assessments for cost of ewers of one-third from the aggregate of the treet line of such corner lots on all the streets n front thereof, such deduction to be made in he assessment of the longest street line of such orner lots, or in case of equal street lines then n the assessment for the second sewer for which hey are liable; for the purpose of assessment or sewers the size of a corner lot shall be sixty eet by one hundred and twenty feet unless sub- livided into smaller lots, and actually occupied nd used for business purposes, in which case wenty-four feet by one hundred and twenty feet

shall be considered the size of a corner lot. The common council may order and cause to be built sewers, and the expense thereof shall be paid as herein provided and such expense shall be apportioned to the general fund, and lots and parcels of land properly chargeable therewith, by the city surveyor, provided that in all cases where improvements or work of any kind are charged in whole or in part upon lots or lands benefited all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund.

Street improvements shall first be authorized.

SECTION 5. The street commissioner shall not have power to make, grade, gravel or pave any street, avenue, alley or public grounds, or to construct any well, gutter or sidewalk unless the same shall have been first duly authorized by an order of the common council, to be entered in their proceedings; provided, that nothing herein shall be so construed as to prohibit the street commissioner from making or causing to be made all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers, and gutters. Hereafter no special improvements shall be ordered by the common council exceeding in estimated costs the sum of two hundred dollars unless more than one-half the owners of the lands or lots to be taxed for such improvement, shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect. If the common council order any special improvement to be made or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council; and no special improvement shall be valid or biding unless said vote be so taken and recorded.

Plans of improvements to be filed before work shall be commenced.

SECTION 6. Whenever the common council shall order the making of any public improvement as provided by this chapter, the city clerk shall forthwith notify the city surveyor to make and file in his office all necessary plans and specifications therefor, and an estimate of the whole expense thereof, and the proportion, if any, to be assessed and charged to each lot or parcel of land, and in the case of grading streets, avenues, lanes, alleys, highways, or building sidewalks, of the

number of cubic yards to be excavated or filled in front of each lot or tract of land, and such estimate and plans shall be the property of the city, and shall be open to the inspection of all parties interested. The city clerk shall give notice by advertisement in the official papers of the city to the owners or occupants of the lots or parcels of land bordering on any street, avenue, alley or highway ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified, according to the plans and specifications on file in his office and if the said work shall not be done within such time, the city clerk shall at once proceed to advertise for proposals, and enter into contracts for the doing thereof. Whenever any contract shall have thus been made and concluded, the city clerk shall without delay notify the city surveyor thereof, accompanying such notice with a copy of the terms and conditions of such contract. All contracts for work done by and pursuant to the provisions of this chapter, and for the construction of sewers and reservoirs, shall be subject to the acceptance of the city surveyor; provided, that any contractor may appeal from the decision of that officer to the common council. The common council may in its discretion employ any competent man to superintend the construction of such public works as it thinks proper. In all cases where any improvement shall be ordered pursuant to the provisions of this act, any part of the expense of which shall be chargeable to the lots bordering thereon, the owner or agent shall be entitled to do the work according to the plans and specifications on file, and on completion thereof to the acceptance of the proper officer, shall be entitled to receive from such officer a certificate showing that the city is indebted to him to the amount chargeable to the general fund according to the estimated expense previously made and filed by the city surveyor, upon the presentation of which certificate, duly verified by the owner or holder thereof, to the common council, the same shall be allowed to him out of the general fund of the city; provided, that such owner or agent shall within ten days after the date of notice by the clerk requiring said work to be done, signify to

the city clerk in writing that he will perform the same according to the plans, specifications and estimate made by the city surveyor, and shall execute a bond subject to the approval of the said clerk, conditioned for the faithful execution thereof within the time designated by the street committee or the city clerk.

In case of deep cutting and extraordinary filling.

SECTION 7. Whenever the general interest of the city requires deep cutting or extraordinary filling of any street, or for the construction of any sidewalk, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall, within ten days after the service or first publication of the notice requiring the improvement to be made, represent to the street commissioner, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall report the same to the street committee, who, or a majority of whom, shall examine the premises, and if, in their opinion, the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to determine in writing, subscribed by them, and preserved with the records of said city, what portion of the work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the general fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid shall be assessed upon the same and levied and collected as other taxes and assessments, and the remainder shall be paid out of the general fund; provided, however, that the council shall by a majority vote duly ratify the same; and provided further, that any party feeling himself aggrieved by the determination of the common council, may, within ten days from the date thereof, appeal to the circuit court as hereinbefore provided.

Pay of contractor.

SECTION 8. Upon the completion and acceptance of any work done under contract under the provisions of this chapter, the common council may appropriate to the contractor, out of any funds in the city treasury not otherwise appropriated, the amount due under his contract, and the city clerk shall, upon proof being furnished as required by the charter in such cases, issue under his hand certificates containing a description of

the land, lots or subdivisions of lots, the amount properly chargeable against the same as a special tax, the nature of the work for which chargeable, and the name of the contractor, and shall deliver such certificates to the city treasurer whom he shall charge with the whole amount of such certificates.

Regarding certificates.

SECTION 9. At any time after the issue of such certificates and before the annual levy of taxes by the common council, the owner, or any person having an interest in any tract of land, lot or subdivision of a lot, may demand of and receive from the city treasurer the certificate against such real estate, on payment to the city treasurer the amount of such certificate, and such certificate when paid, shall be canceled by the treasurer, which shall operate and be a payment in full of such special tax. At the time of the annual levy of taxes the city treasurer shall return to the common council all such certificates in his hands remaining unpaid to that date. The common council shall cancel such certificates, and the clerk shall credit the treasurer with the whole amount thereof, and the common council shall cause the several amounts of such certificates so returned, and canceled, to be levied as a special tax against the respective tracts of land, lots and subdivisions of a lot to which the same are respectively chargeable.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits where the same shall have been damaged to the extent of thirty-five per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to

make such other regulations in regard to the erection, construction and moving of buildings within such fire limits.

Dangerous construction of buildings.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, furnaces, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same, and also to provide wells or cisterns on their premises; to authorize the mayor, aldermen, firewardens, and other officers of the city to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and, generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and shall have power to compel owners of buildings to place and maintain on such buildings proper and efficient fire-escapes therefrom.

Fire-engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to provide for, organize, establish and maintain a paid fire department and to make all necessary rules and regulations for the government of said department by ordinance or otherwise and to enforce the same.

Penalty for refusal to obey order of law officer.

SECTION 4. Whenever any person shall refuse to obey any lawful order of any engineer, firewarden, mayor or alderman, at any fire, it shall be lawful for the officer to arrest, or direct orally the marshal, constable, watchman, or any citizen to arrest such person, and confine him temporarily in some safe place until such fire shall be extin-

guished; and in the same manner, such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Appointment of chief engineer.

SECTION 5. The common council at its first meeting in each corporate year shall appoint a chief engineer of the fire department and as many assistant engineers and fire wardens as it may deem necessary, who shall each hold their office during the pleasure of the common council and until their successor shall be appointed by said council.

Wardens may enter buildings.

SECTION 6. It shall be lawful for said wardens at any time, in the discharge of their duties, to enter any building or enclosure for the purpose of inspecting the same.

Fines to be paid into treasury.

SECTION 7. The net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter, shall be paid into the city treasury.

CHAPTER IX.

SUPPORT OF THE POOR.

Relief of poor.

SECTION 1. All laws of this state for the relief and support of the poor in towns shall apply to said city, but the common council may, by ordinance, prescribe the mode of supporting the city paupers. And the common council shall appoint one or more suitable persons to act as commissioners of the poor of the city, who shall perform all the duties of overseer of poor in towns, and such other and further duties as the common council shall prescribe.

CHAPTER X.

PUBLIC SCHOOL SYSTEM.

Public schools.

SECTION 1. The supervision of public instruction in said city shall be vested in a board of education consisting of the mayor, and the director

and clerk of each school district. The city superintendent of schools shall be *ex officio* a member of said board, but not be entitled to a vote.

Regular meetings of board.

SECTION 2. Regular meetings of said board shall be held on the last Wednesday of December, March, June and September, in each year, at such stated hour as the board may designate; and special meetings may be called by the city superintendent, or any two members of the board, by leaving written notices thereof at the residence of each member.

Quorum for business.

SECTION 3. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his absence any one of the members present may be chosen chairman *pro tem.*

Duties defined.

SECTION 4. The duties of the board of education shall be as follows:

1. To elect annually, at a regular meeting in June, a city superintendent of schools, and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting, and discharge such other duties as the board may direct.

2. To arrange and determine the boundaries of school-districts, and to form new districts subject to the approval of the common council; provided, that no joint district shall be formed of a portion of the city and a portion of any adjoining town.

3. To arrange terms and vacations of all public schools, and establish uniformity in the school system.

4. To require uniformity in text-books, and to adopt or reject text-books at will; provided, that text-books shall not be changed oftener than once in five years.

5. To institute uniform regulations for schools not conflicting with the constitution or laws of this state.

Duties of city superintendent defined.

SECTION 5. The duties of the city superintendent shall be as follows:

1. To examine all applicants for teachers' license, in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in said city.

2. To annul a teacher's certificate whenever he may think proper; provided, that such teacher

shall have the right to appeal to the board of education.

3. To visit each school department in said city at least three times during each term.

4. To report to the board of education at each regular meeting relative to the condition of the schools under his supervision; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Members shall not be entitled to compensation.

SECTION 6. The members of the board of education shall not be entitled to any compensation for their services, but the common council shall provide them with all the necessary books and stationery, and a suitable place to hold their meetings, and the common council may, in its discretion, allow a reasonable compensation to the clerk of the board of education.

School-districts, how constituted.

SECTION 7. The school districts of said city shall be constituted as follows: District number one, the territory comprised in the first ward; district number two, the territory comprised in the second and sixth wards; district number three, the territory comprised in the third and fifth wards; district number four, the territory comprised in the fourth ward.

Where annual meetings shall be held and how conducted

SECTION 8. All annual meetings of the electors of the several school-districts in said city shall hereafter be held at one of the occupied school-houses in their respective districts, on the first Monday of July in each year, at seven o'clock in the evening; and each school-district clerk shall post in different public places in his district at least twenty notices of each annual meeting, ten days prior thereto, and shall state on such notice where the meeting is held. A majority of the electors of any school-district in said city may at any annual or adjourned, or any special meeting, vote to levy such an amount of tax, or authorize such an amount of loan of money as they shall determine for the purpose of erecting, completing or enlarging school buildings in said district; provided, that nothing herein contained shall be so construed as to prevent the calling of a special meeting by a majority of the school-district board, and the levying of a tax, or authorizing a loan to build and equip a school-house, to replace one destroyed by fire or otherwise, but in such case

notice of the said special meeting must be given by said board, by publication for one week in at least two weekly newspapers printed in said city, and by posting at least twenty notices in public places in said district, the same length of time. District boards may, with the consent of the board of education sell and dispose of school-houses and school grounds, and purchase new sites; provided, the same shall be ratified by a majority of the electors present at a school-district meeting specially called to consider the same. Whenever the electors of any school-district, at the annual or adjourned meeting, shall neglect or refuse to levy such amount of tax as is necessary to pay teachers' salaries, or defray incidental expenses, the school-district board may appeal in writing from such action to the common council, and that body shall thereupon have authority to levy such amount of tax for teacher's salaries, and for incidental expenses in said district, as the majority of the aldermen elect shall determine.

Exempt from a certain act.

SECTION 9. The city of Appleton is hereby and forever declared to be exempt from the provisions of an act "to create the office of county superintendent of common schools," approved April 6, 1851, and of all subsequent amendments thereto, and said county superintendent shall possess no authority as such over the schools of said city.

All laws to apply to Appleton.

SECTION 10. All the laws of this state relative to public schools so far the same shall be applicable, and not inconsistent with the provisions of this chapter, shall apply to the city of Appleton.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Laws in effect.

SECTION 1. All powers conferred upon the towns or cities of this state to vote, levy and collect special taxes, shall be of full force and effect in said city.

Work to be let by contract.

SECTION 2. All work for the city or any school district, when the amount exceeds three hundred dollars shall be let by contract to the lowest and best bidder, and due notice shall be given of the time and place of letting such contract, reserving the right to said city to reject any or all bids.

SECTION 3. Actions brought to recover any

penalty or forfeiture under this act or the ordinances, fire, health or police regulations, made in pursuance thereof, shall be brought in the corporate name of the city, except actions brought for the violation of any ordinance or regulation relating to the sale, traffic or dealing in intoxicating liquors, which action shall be brought in the name of the state of Wisconsin, and like proceedings had therein as in other criminal actions. It shall be the duty of the district attorney of Outagamie county, on notice given to him by the justice of the peace before whom such complaint shall be made, to attend the trial before each justice, and to conduct the same on behalf of the state. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act, or ordinance, or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it, except as aforesaid.

Actions shall be brought in corporate name of city.

SECTION 4. In all prosecutions for any violations of any of the provisions of this act, or any ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in other cases.

First process shall be by warrant.

SECTION 5. When the action is commenced by a summons the complaint therein may be substantially in the following form:

The City of Appleton
against
——— ———, } IN JUSTICE'S COURT.

The plaintiff complains against the defendant, in an action of debt, for that the defendant did on the —— day of ———, 18—, violate section —— of an ordinance (or regulation, describing it by its title, and stating clearly the offense charged or complained of), which said ——— is now in force. By reason of such violation, an action has accrued to the city of Appleton, to recover of the defendant the sum of ——— dollars debt. Wherefore, the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint.

SECTION 6. In all cases where the oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last

Form of complaint.

above named may be substantially in the following form:

Form.

The City of Appleton
against
——— ———,
} IN JUSTICE'S COURT.

State of Wisconsin,
Outagamie County,
} ss.

——— ———, being duly sworn, complains on oath to ——— ———, a justice of the peace of the city of Appleton, that ——— ——— did, on the —— day of ——, 18—, violate section —— of an ordinance (or regulation of said city (describing it by its title and stating the offense charged or complained of), which said ——— is now in force and effect, as the complainant verily believes; and prays that said ——— ——— may be arrested and held to answer to the said city of Appleton therefor.

"Subscribed and sworn to before me, this —— day of ——, 18—."

Said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace he shall issue a warrant thereon, which may be substantially as follows:

Form of warrant.

"State of Wisconsin, Outagamie county, city of Appleton — ss.

To the sheriff, or any constable of said county, or to the marshal of the city of Appleton, greeting:

Whereas, —— has this day complained to me in writing, on oath, that —— did, on the —— day of ——, 18—, violate section —— (or sections ——) of ordinance (regulation or law, as the case may be, describing it by its title, and stating clearly the offense charged or complained of), which said —— is now in full force and effect, as the said complainant verily believes: Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said ——, and bring him before me forthwith, to answer to the city of Appleton, on the complaint aforesaid."

Given under my hand the —— day of ——, 18—, ——.

Justice of Peace.

Upon the return of the warrant, the justice may proceed with the case, unless it be continued by consent or for cause. If the cause be adjourned

the defendant, if required by the court so to do, shall recognize with security, to be approved by the court for his or her appearance, in such sum as the court may direct, or in default thereof may be put in charge of the officer making the arrest, or be committed to the common jail of Outagamie county. The complaint made as aforesaid shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the action.

Witnesses and jurors shall testify.

SECTION 7. Witnesses and jurors shall attend before a justice of the peace in all civil and criminal suits, without the payment of fees in advance, or a tender thereof, upon process of the court, duly served, and in default thereof their attendance may be compelled by attachment.

Finding of court.

SECTION 8. In all prosecutions under this chapter, the finding of the court or jury shall be either guilty or not guilty; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture contained in the ordinance or regulation for the violation of which the defendant shall have been adjudged guilty; and for the costs of the suit. But if not guilty, the costs shall be taxed against the city, except when the state of Wisconsin is a party; then the costs shall be taxed against the county of Outagamie. Upon conviction, in all cases where the city is a party, under this chapter, and upon the non-payment of such judgment, the court may forthwith issue an execution as in cases of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form:

State of Wisconsin, }
Outagamie County, } ss.
City of Appleton, }

Form of execution.

To the sheriff, or any constable of the county of Outagamie, or to the city marshal, and to the keeper of the common jail of said county, greeting:

Whereas, the city of Appleton, on the —— day of —— A. D. 18—, recovered a judgment before ——, a justice of the peace of said city, against ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation

of an ordinance (by-law, resolution or law, as the case may be). These are, therefore, in the name of the state of Wisconsin, to command you to levy distress of the goods and chattels of said ——, except such as the law exempts, and make sale thereof according to law, in such case made and provided, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ——, and him convey and deliver to the keeper of the common jail in Outagamie county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— for the term of ——, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

———— ————.

Justice of the Peace.

And on conviction in all actions brought pursuant to the provisions of this chapter and the laws of the state of Wisconsin, not inconsistent herewith, and the non-payment of such judgment, fine, penalty or forfeiture the defendant in such action shall be committed to the common county jail of Outagamie county, until such fine, penalty or forfeiture and all costs are paid, or until discharged by due course of law; and the said commitment shall be in the usual form prescribed by law; provided, always that it shall be competent for the justice to impose hard labor in addition to imprisonment inside or outside of such jail, but within the "jail limits," as established, and the common council shall, by ordinance, regulate the mode and manner of performing such labor, and the officer or officers who shall control such prisoners; and the form of commitment may be varied accordingly.

Shall not work incompetency.

SECTION 9. No person shall be an incompetent judge or justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city or state shall be a party in interest.

Ordinances to remain in force.

SECTION 10. All ordinances, regulations or by-laws now in force in the city of Appleton, and not

inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the common council after this act shall take effect.

Actions to be prosecuted by corporation.

SECTION 11. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

River under jurisdiction of city.

SECTION 12. All that part of Fox river within the limits of said city, shall be under the exclusive jurisdiction of said city and its common council, and all bridges over said river within said limits, shall be under its control, and the common council shall have full power to build and construct or cause to be built and constructed new bridges at such points as they may deem necessary and for the best interest of the city, and to maintain and support all bridges which said city may now or may hereafter own, at the expense of said city.

Bridge laws to be in force.

SECTION 13. The general laws for the preservation of bridges, and the punishment by such laws provided for willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In cases of any damage done to any of said bridges by any vessel or watercraft, or by the master or any person in command thereof, such vessel or watercraft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

How suits shall be commenced and carried on.

SECTION 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as by ordinance or the by-laws of said common council may be in such case provided. No execution shall issue on any judgment against said city, nor shall any action be brought thereon;

but the same shall be collected in the manner hereinafter provided. Whenever an exemplified copy of any final judgment rendered by any court of this state against said city, together with an affidavit of the plaintiff in such judgment, his assignee, agent or attorney, stating that said judgment has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the clerk of said city, it shall be the duty of the clerk of said city to proceed to assess the amount thereof with interest from the date of said judgment to the time when the warrant for the collection thereof, will expire, upon the taxable property of said city, placing the same on the next city assessment and tax roll, in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other city taxes, and shall be paid to the party entitled thereto.

Survey to be made by city surveyor.

SECTION 15. The common council may, at any time, by resolution, duly passed and entered on its minutes, authorize the city surveyor, or such assistant surveyor as they may appoint, to make a new and accurate survey of the lines and boundaries of all the streets, alleys, avenues, highways, public grounds, wharves, docks, blocks and lots, establishing such permanent land-marks in each ward, or in any one ward, as the common council may require, and to cause an accurate map or maps, plat or plats thereof to be made and certified to by such surveyor or assistant surveyor to be approved by the common council, which approval shall be indorsed thereon by the city clerk, with the corporate seal of the city attached, and filed in the office of the city clerk, and an attested copy thereof filed and recorded in the office of the register of deeds of Outagamie county; and such survey and land-marks, when so established and recorded, shall be *prima facie* evidence in all courts and places of the fact therein set forth.

Grades to be established and registered.

SECTION 16. The common council of said city may, at such time as they may deem proper, establish the grade of all streets, avenues, alleys, highways and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of

deeds of Outagamie county, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be injured in consequence of any alteration of such grade; provided, that nothing in this section shall be so construed as to prevent the street commissioner from ordering or causing to be done, the grading of any street, avenue, alley or highway, to a temporary grade to be by him established.

Accurate profiles of streets to be made.

SECTION 17. The common council of said city may at such times as they deem proper, establish the grade of all streets, avenues, alleys, highways and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Outagamie county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom, shall be paid by the city to the owner of any lot, or parcel of land, or tenement which may be injured in consequence of any alteration of such grade.

May purchase and hold real estate.

SECTION 18. Said city may purchase, lease and hold real or personal estate sufficient for public uses, and may sell and convey the same, and the same shall be free from taxation.

All real estate to be subject to special taxation.

SECTION 19. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes as other real estate under this act for special improvements.

Subdivision of lots and record of same.

SECTION 20. Every individual, or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Appleton, who may desire to subdivide or plat such lot or tract of land into city lots, shall in platting the same, cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall

be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified to by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum of not less than fifty nor more than one hundred dollars for the use of said city, and before any such plat shall be approved as aforesaid, there shall be filed in the office of the city clerk a certificate copy of such plat.

Personal service of ordinances.

SECTION 21. In all cases when, by the provisions of this act, or of any ordinance of said city, personal service is required upon the owner or occupant or agent of any property in said city, it shall be sufficient to deposit such notice in a prepaid envelope, in the Appleton post-office, directed to such owner, occupant or agent residing in said city.

Deeding property.

SECTION 22. When the city deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be, "The city of Appleton," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to execute deeds.

SECTION 23. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quit-claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city and duly witnessed and acknowledged as prescribed by law.

SECTION 24. When any such deed or other conveyance is so executed the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county with said instrument; and such copy, so attached and recorded, shall be *prima facie* evidence in all courts and places of the authority of such mayor to make and execute such deed, lease or other conveyance. Attested copy of conveyance.

SECTION 25. The said common council shall have full power to make and repair any established road, and build and repair bridges thereon, in any town or towns adjacent to said city, whether within or without the county of Outagamie, and may, through its street commissioner, enter into all necessary contracts for labor and materials; provided, that the written consent of a majority of the supervisors of such town shall first be obtained to the making of such expenditure and improvement. Power to build and repair bridges.

SECTION 26. Chapter 47, of the general laws of 1876, entitled, "An act to codify, consolidate and amend the act to incorporate the city of Appleton and the several acts amendatory thereof." Approved February 21, 1876, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue or in pursuance of the said acts or any of them; but the same shall exist and be in force and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws and orders of the common council of said city, or parts thereof not repealed, suspended or made void by this act shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act. Repealing section.

SECTION 27. The town of Grand Chute is hereby authorized to hold its annual town meetings and general and special elections within the limits of Town meetings may be held in city.

the city of Appleton, on the land now owned by said town in said city of Appleton upon which said town now has a town-house, and said town is hereby authorized to own and hold said tract of land and to maintain a town-house or hall thereon for town purposes free from all state, county and general city taxes, and the same shall be free from seizure from any debt due by said town; provided, that the real estate herein exempted shall not exceed three acres.

Repealed. SECTION 28. Section 1, chapter 323, of the laws of 1882, is hereby repealed.

SECTION 29. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.

[No. 178, S.] [Published April 20, 1885.]

CHAPTER 453.

AN ACT to repeal section 2, chapter 132, of the private and local laws of 1862, entitled, "an act to vacate certain additions to the plot of La Crosse; also to vacate certain village plots in La Crosse county, and to restore the plots mentioned in said section."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Section 2, of chapter 132, of the private and local laws of 1862, entitled, "An act to vacate certain additions to the plot of La Crosse; also to vacate certain village plots in La Crosse county," is hereby repealed, and all that portion of northern addition to the village of North La Crosse, now within the corporate limits of the city of La Crosse, is hereby restored and reinstated, according to the original plot of said addition, as the same is recorded in the office of the register of deeds of La Crosse county, excepting so far as the same shall have been modified or changed by the corporate authority of the city of La Crosse, in accordance with the provisions of its charter.

SECTION 2. This act shall be considered and held to be an amendment to the city charter of La Crosse.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.

[No. 641, A.] [Published April 21, 1885.]

CHAPTER 460.

AN ACT to amend subsection 3, of subchapter 4, of chapter 184, of the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subsection 40, of section 3, of subchapter 4, of chapter 184, of the laws of 1874, as amended by section 2, of chapter 311, of the laws of 1876, and as further amended by section 10, of chapter 324, of the laws of 1882, and as further amended by chapter 308, of the laws of 1883, is hereby further amended so as to read as follows:

Subsection 40, of section 3, of subchapter 4, of chapter 184 amended.

40. To tax, license and regulate road vehicles of any and every kind and description, to tax, license and regulate auctioneers, distillers, brewers and pawn keepers, and all keepers or proprietors of intelligence offices, junk shops, and places for the sale and purchase of second-hand goods, wares and merchandise, and to tax, license, regulate and restrain hawkers, peddlers and venders of milks and runners or solicitors for steam-boats, vessels, cars, railroads, stages, public-houses and other establishments, and keepers or proprietors of gift bookstores, gift concerts, and other gift enterprises, and persons therein engaged; and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said

trades, kinds of business or employments, or using such vehicles without license, and to regulate the manner in which they shall be carried on or used; provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year, and that the amount to be so paid for any such license shall not be less than at the rate of one dollar per year, nor greater than at the rate of five hundred dollars per year for the carrying on either of said trades, kinds of business or employments; provided, that the provisions of this act shall not apply to dealers or venders in malt, spirituous, ardent or intoxicating liquors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.

[No. 365, A.] [Published April 20, 1885.]

CHAPTER 468.

AN ACT to amend the city charter of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 60 amended.

SECTION 1. Section 60, of chapter 132, of the laws of 1882, is hereby amended so as to read as follows: Section 60. Roads, streets and alleys may be laid out through any plat of the city, or the unplatted lands in said city, in the same manner that roads are laid out by supervisors in towns.

Sections 35 to 57 amended.

SECTION 2. Sections 35 to 57, inclusive, of said chapter 132, are hereby repealed.

Section 82 amended.

SECTION 3. Section 82, of said chapter 132, is hereby amended by adding to said section the following: In assessing the lots or parcels of land situated in Webb & Bronson's recorded plat of the town of Fort Winnebago and J. J. Guppy's recorded plat of the town of Portage City, it shall be sufficient to describe them under the head of "city plat" and all assessments so made shall be received in all courts and places as correctly describing the lands.

SECTION 4. Section 118, of said chapter 132, is hereby amended by striking out the words, "erecting and" where they occur in the fifth line of said section, and section 120, is amended by striking out the figures "137" in the forty second line and inserting in lieu thereof "118." Section 118 amended.

SECTION 5. Section 64, of said chapter 132, is hereby amended by adding after the word, "chargeable" where it occurs in the fifteenth line of said section the following sentence: Grading of streets into sections shall be done by the city street commissioner under the direction of the common council and be paid for from the city treasury. Section 64 amended.

SECTION 6. Section 6, of said chapter 132, is hereby amended by adding after the word, "council", where it occurs in the fifth line of said section the following sentence: No person shall be elected or appointed to, or hold more than one office in the city, except as provided in section 71, of this charter. This clause shall not be so construed as to debar officers or members of the fire department and fire companies or members of the board of education from holding city offices. Section 6 amended.

SECTION 7. Section 96, of said chapter 132, is hereby amended by adding to said section the following: Provided, however, that no loans shall be made for any sum of money, for temporary purposes, which added to the amount levied in the last preceding tax roll would exceed the amount which the council might have levied for the purpose specified under the provisions of the charter. Section 96 amended.

SECTION 8. Section 124, of said chapter 132, is hereby amended so as to read as follows: The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, except as authorized by section 96, as amended by this chapter. The fiscal year shall commence on the first day of December, in each year; provided, however, that the common council of the city of Portage, may borrow money for the erection of a bridge across the Wisconsin river, in said city, not exceeding in amount the sum of thirty thousand dollars, and may issue the bonds of the city for the payment of the same, bearing an interest not exceeding Section 124 amended.

seven per cent, per annum, payable annually, or semi-annually, and becoming due in not less than two nor more than ten years, as the common council may, by ordinance, prescribe. In case said bonds are issued, the common council of said city shall annually levy and collect a tax, in money, on the taxable property of said city, as other taxes are levied and collected, sufficient to pay the interest and principal of said bonds as the same may become due; and the money thus raised shall be applied to the purpose for which it was raised, and no other; provided, however, that no bonds issued in pursuance of this section shall be sold for less than their par value.

Section 10 amended.

SECTION 9. Section 10, of chapter 132, laws of 1882, is hereby amended by adding at the end thereof the following: Within ten days after such election the clerk shall transmit to the county clerk of Columbia county a certified statement giving the names of all city officers elected at the same, and promptly notify him of any subsequent changes in the offices of city clerk, treasurer, assessor, or supervisor. He shall also report to said county clerk the name of each person chosen as inspector of election, designating the ward for which he shall have been chosen, immediately after the nominations are confirmed by the common council.

Section 87 amended.

SECTION 10. Section 87, of chapter 132, laws of 1882, is hereby amended by substituting the words, "second Monday in" for the words, "first day of," immediately before the word, "December," in the ninth line of said section, and striking out the words, "or as soon thereafter as practicable," immediately before the word, "deliver," in the tenth line of said section, so that when so amended said section will read as follows: Section 87. Immediately after making out the tax list aforesaid the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday in December of the same year, deliver the same to the city treasurer

for collection, and make a record of such delivery on the tax list preserved in his office.

Section 88 amended.

SECTION 11. Section 88, of chapter 132, is hereby amended by inserting in the ninth line, after the word, "paid," the words, "on and," so that said section, when amended, shall read as follows: Section 88. The city treasurer, upon the receipt of such duplicate tax list, shall proceed to collect the same in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise herein provided. All taxes may be paid to the treasurer before the tenth day of January in each year, without any addition thereto for treasurer's fees. To the taxes paid on and after the tenth day of January, five per cent. treasurer's fees shall be added, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

First subdivision of section 31, amended.

SECTION 12. The first subdivision of section 31, of said chapter 132, is hereby amended by adding "skating rinks" after the word, "saloons" where it occurs in the fourth line of said first subdivision.

Section 122 amended.

SECTION 13. Section 122, of said chapter 132, is hereby amended by adding the following proviso to said section: Provided, however, the council of said city may, in the name of said city of Portage, purchase the Fort Winnebago and Duck Creek Plank Road, and open the same to the public free from toll.

Section 58 amended.

SECTION 14. Section 58, of said chapter 132, as amended by section 1, of chapter 23, laws of 1883, is hereby amended by striking out the following paragraph where it occurs in said section as so amended by said section 1, of chapter 23, viz.: At least thirty days before passing any such ordinance, the council shall cause stakes to be set showing the center of such street, as it is proposed to establish the same.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1885.

[No. 642, A.] [Published April 20, 1885.]

CHAPTER 470.

AN ACT to amend chapter 184, of the laws of 1874, entitled, "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved Febuary 20, 1852, and the several acts amendatory thereof," approved March 10th, 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 13, of the said charter of the city of Milwaukee, is hereby amended so as to read as follows:

CHAPTER XIII.

COMMISSIONER OF HEALTH.

Duties of commissioner of health.

SECTION 1. It shall be the duty of the commissioner of health to examine into and consider all measures necessary to the preservation of the public health in the city of Milwaukee, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Powers of commissioner of health.

SECTION 2. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as the said common council may fix. The said commissioner of health shall also have power to appoint from time to time, as they may be needed, temporary special assistants for the purpose of maintaining quarantine, under his direction, over houses and premises in the city in which are persons affected with the small-pox or any other pestilential, contagious or infectious disease, subject to quarantine under the ordinances of the city. He shall also have power to cause all children attending private schools in the city, who shall not have been previously vaccinated for the prevention of small-pox, to be so vaccinated, and

to cause such children, upon refusal to be vaccinated, to be excluded from such private schools.

Further power of commissioner.

SECTION 3. The said commissioner of health, or any person under him, have authority to enter into and examine at any time, all buildings, lots, and places of all descriptions within the city, for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby.

Measures to be adopted.

SECTION 4. The commissioner of health shall give all such directions, and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell, or tending to cause sickness or disease as in his opinion shall be deemed necessary; and he may do or cause to be done whatever in his judgment shall be needful to carry out such measures. Every person who shall disobey any order of the commissioner of health which shall have been personally served upon him requiring him to abate or remove any nuisance, or to cleanse or purify any premises owned or occupied by him, in the manner or at the time described in the order, shall, on complaint of the commissioner of health, or any person serving such order before the municipal court of said city, be liable to arrest and summary trial, and punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Abatement of nuisances.

SECTION 5. It shall be lawful for the commissioner of health in all cases where he may deem it necessary for the more speedy execution of his orders, to cause any such nuisance or nuisances, to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners, or upon property, the owners of which cannot be found, or unknown and cannot be ascertained, to be abated or removed in like manner, at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be

abated or removed; the commissioner of health shall certify to the comptroller the description of such property, and the cost of abating and removing such nuisance or nuisances thereon, and the comptroller shall include the same in the annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; provided, that the common council shall, from time to time, on application of said commissioner of health, appropriate and set apart out of the general fund of said city, such sums as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said commissioner is authorized by the section to incur, shall be paid exclusively out of the funds so provided by said city; and said commissioner shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been so appropriated and set apart as aforesaid for his use.

Destruction of infected clothing.

SECTION 6. It shall be the duty of the commissioner of health, by resolution, to direct any bedding, clothing, putrid or unsound meat, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in his opinion, will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and he may employ such persons as he may deem proper to remove or destroy such article, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both. It shall also be his duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical attendance and provisions, and to forbid and prevent all communication with any house or family infected with any contagions or pestilential disease, except by means of physicians or nurses.

SECTION 7. It shall be the duty of the commissioner of health, on complaint being made to

him, or whenever he shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Milwaukee, detrimental to the public health, to notify such persons or corporations, to show cause before the commissioner of health, at a time and place specified in such notice, why such business, trade or profession, should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence the commissioner of health may by general order direct a shorter time not less that twenty-four hours) and may be served on the parties to be affected thereby by the commissioner of health or any of the employes in his department or by any police officer in said city in the same manner as provided by law for the service of a summons in civil actions. Cause may be shown by affidavit, and if in the opinion of the commissioner of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the commissioner shall order the said parties to discontinue or remove the same within such time as the commissioner may deem reasonable and necessary, and the order of the commissioner shall be final and conclusive.

Commissioner to give notice to parties to show cause.

SECTION 8. Any person or persons failing or refusing to obey such lawful order of the commissioner of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment not more than one year, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she, or they shall continue such business, trade or profession, after the expiration of the time specified in the order of the commissioner of health for the discontinuance or removal of the same.

Penalty for refusing to obey lawful order.

SECTION 9. In all trials for the violation of the provisions of this chapter, the *ex parte* affidavit of service of any order, notice or requirement of the said commissioner of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as *prima facie* evidence

Ex parte affidavit deemed good.

of the due service of such order, notice or requirement in all trials in any court.

Disposition of fines.

SECTION 10. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury.

Temporary hospitals.

SECTION 11. The commissioner during the prevalence of the Asiatic cholera, or of any epidemic disease, shall have power when by him it is deemed necessary, to take possession of, and occupy as temporary hospitals, any building or buildings in the said city; but the city of Milwaukee shall pay for the use of such property, so taken, a just compensation.

Duties of practicing physicians.

Section 12. It shall be the duty of each and every practicing physician in the city of Milwaukee:

1. Whenever required by the commissioner of health of said city to report to said commissioner, at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease attended by such physicians for the twenty-four hours next preceding, and the number of persons attended by such physician who shall have died within the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease.

2. To report in writing to said commissioner of health every patient he shall have laboring under any pestilential, contagious or infectious disease, within twenty-four hours after he shall ascertain or suspect the nature of such disease.

3. To report in writing to the commissioner of health when by them required, the death of any person who shall have died of any disease, within twenty-fours hours thereafter, and to state in such report the specific nature and type of such disease.

Penalty for neglect of duty of practicing physicians.

SECTION 13. Any practicing physician, who shall neglect or refuse to perform the duties required of him by or in any section of this chapter shall be considered guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred and fifty dollars for each offense. Any person prescribing for another person, shall, for the purpose of this chapter, be deemed a practicing physician, and shall not be allowed to plead ignorance for failure to perform

any duty herein required of a practicing physician.

Fine for depositing refuse excepting as provided by ordinance.

SECTION 14. Any person who shall deposit or knowingly cause to be deposited in any open stream or river in the city of Milwaukee, after June 1, 1880, any offal, garbage or filth or any refuse, obnoxious, odious, or unhealthful matter of any kind or nature whatever, from any factory, brewery, distillery, stock-yard, slaughter-house, tannery, gas factory, glue factory or other building or establishment of whatever kind, located in said city, or the contents of any privy, privy vault or water-closet, located within any residence or dwelling house, and connected with or emptying into any of the sewers of said city, unless means are provided and employed for the abundant flushing of the same with clear water every time it may be used, shall be deemed guilty of a misdemeanor, and for every such offense shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding one hundred dollars, or by both fine and imprisonment, as the court may determine. It shall be the duty of the commissioner of health to rigidly enforce this provision of law.

Compensation of health officers.

SECTION 15. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said commissioner of health is authorized to appoint by this chapter, and for all other expenses incurred by said commissioner in the performance of the duties prescribed in this chapter; and such expenses shall be audited and allowed and paid as other expenses of said city.

Duties of commissioner of health.

SECTION 16. The common council of the city of Milwaukee shall have power to further define the duties of the commissioner of health, and to pass such ordinances in aid of the powers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of said city.

Special duties of police officer.

SECTION 17. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers and all citizens of the state, to aid to the utmost of their power,

the commissioner of health and the officers mentioned in this chapter, in the performance of their respective duties, and on requisition of the commissioner of health, it shall be the duty of the chief of police to detail one or more of the policemen of said city to serve the notices of said commissioner and to perform such other duties as such commissioner may require.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1885.

CERTIFICATE.

STATE OF WISCONSIN, } ss.
Department of State. }

I, ERNST G. TIMME, Secretary of State, of the state of Wisconsin, do hereby certify that the foregoing copies of city charters and their amendments have been compared by me with the original enrolled acts, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of state, [L. S.] at the capitol, in the city of Madison, this 8th day of October, A. D. 1885.

ERNST G. TIMME,
Secretary of State.

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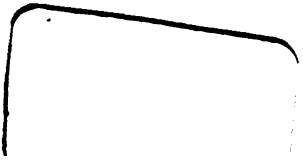
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